

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KAREN SCOTT,

Plaintiff,

v.

Case No. 10CV4622

WPIX, INC,

Defendant.

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January 26, 2011
9:38 a.m.

Deposition of KAREN SCOTT, taken by
defendant, pursuant to notice, at the offices
of Seyfarth Shaw, LLP, 620 Eighth Avenue, New
York, NY, before Allison Fowler, a shorthand
reporter and Notary Public of the State of
New York.

1 Scott 10
2 Q. Is there any reason today, either
3 because of medication or other reasons that
4 would you think prevent you from
5 understanding any of my questions?
6 A. No, unless there's something in
7 the Coke.
8 Q. You'd have to take it up with
9 Coke, not me.
10 All right. When were you first
11 employed by WPIX?
12 A. 1993.
13 Q. And what was your job at that
14 time?
15 A. I was -- I came in as the
16 executive producer for the News At Ten.
17 Q. And there was only a 10 p.m. news
18 at that point?
19 A. Yes.
20 Q. And how long did you remain the
21 executive producer?
22 A. Three years.
23 Q. So in 1996, you changed jobs?
24 A. Yes.
25 Q. And then what was your title then?

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1 Scott 12
2 WPIX?
3 A. I believe it was in the year 2000.
4 Q. Okay. And did you start reporting
5 to her then?
6 A. Yes.
7 Q. Okay. So from some point in 2000
8 through August 26, 2009, you reported to
9 Betty Ellen?
10 A. Yes.
11 MR. CERASIA: Can you mark this,
12 please.
13 (Position Description was marked
14 as Scott Exhibit 1, for identification,
15 as of this date.)
16 Q. I'm going to show you what's been
17 marked as Scott deposition Exhibit 1, which
18 is a two-page document entitled WPIX TV
19 position description for the edition title of
20 the news director dated May 2005, and it's
21 stamped as WPIX 83 and 84.
22 Just take a minute and look at
23 that, and tell me if you've ever seen that
24 before.
25 A. No.

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1 Scott 15
2 paragraph "responsibilities." It says
3 "responsible for overall supervision of the
4 news department and for developing and
5 executing strategies designed to make the
6 station news product the audience leader in
7 the market." Do you agree with that?
8 A. Yes.
9 Q. Okay. "Overall supervision of the
10 news department." How many employees were in
11 the news department? And let's just take
12 2009 when you last worked there,
13 approximately.
14 A. Off the top of my head, I'd have
15 to sit down and look at some charts. I
16 guess, 75 -- 75 maybe to 100, but that may be
17 including engineers that worked with us. I'm
18 not sure though.
19 Q. Okay. And all of the employees in
20 the news department fell under your
21 responsibility, correct?
22 A. Yes.
23 Q. All right. And that's true even
24 if there were layers of supervision between
25 you and employees?

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1 Scott 16
2 A. I don't understand.
3 Q. For example, there's -- people who
4 are part of the newspaper guild, let's take a
5 sportswriter, right?
6 A. Oh, yes.
7 Q. The sportswriter didn't report to
8 you directly, did he or she?
9 A. No.
10 Q. Okay. He reported to somebody
11 else, right, but you had ultimate
12 responsibility for those sportswriters,
13 correct?
14 A. Yes.
15 Q. Okay. Is it fair to say that
16 between 2000 and 2009 then, you approximately
17 had responsibility between 75 to 100 plus
18 employees?
19 A. Yes.
20 Q. And that included responsibility
21 over the budget for the news department?
22 A. To bring everything under -- yes.
23 Q. Okay. It included responsibility
24 for managing the performance or overseeing
25 the performance of all those employees?

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1 Scott 17

2 A. Yes.

3 Q. It included negotiating talent

4 contracts?

5 A. Yes.

6 Q. You and I both understand, I'm

7 sure, what talent means, but for the record,

8 can you explain what the word talent means?

9 A. Talent are the reporters, the

10 on-air people, the reporters, the anchors.

11 Q. And you would have been, as the

12 news director, the person who would negotiate

13 either directly with individual talent or his

14 or her agents?

15 A. Yes.

16 Q. Would you also make decisions as

17 to whether to extend, renew, or terminate

18 some -- a talent's contract?

19 A. That basically was Betty Ellen.

20 Q. The final approval?

21 A. Right.

22 Q. But did you have decision-making

23 responsibility in connection with those

24 decisions?

25 A. It all depended on the

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1 Scott 18

2 circumstances.

3 Q. Okay. Did you make a

4 recommendation as to whether or not to extend

5 or terminate the contract of talent?

6 A. Generally, I like to keep my

7 people. I didn't fire them, I didn't want to

8 fire them.

9 Q. Okay. So then you would have made

10 a decision or at least given input as to

11 whether or not to extend somebody?

12 A. Yes.

13 Q. Okay. And how about your role

14 with respect to union contracts?

15 A. I sat in on negotiations with

16 them.

17 Q. And what unions would those be?

18 A. That would be the guild, the news

19 guild, that would be AFTRA.

20 Q. How about IATSE?

21 A. That would be the engineers.

22 Q. And you wouldn't be involved in

23 those negotiations?

24 A. No, that would be engineers.

25 Q. How about IBEW, is that

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1 Scott 19

2 engineering too?

3 A. Yes.

4 MR. CERASIA: IATSE is I A T S E.

5 Q. Was -- during the time that you

6 were the news director, and let's just look

7 at the time period of 2000 and 2009, okay?

8 A. Okay.

9 Q. And throughout today, that's

10 really just the time period I'm going to

11 focus on, all right?

12 A. Okay.

13 Q. Unless we ask about other

14 questions relating to a different time

15 period.

16 Was that your understanding that

17 during that time period the news department

18 was supposed to make a profit?

19 A. Yes, it's a business.

20 Q. Okay. Did the news department

21 have its own profit and loss statement?

22 A. The -- Betty Ellen or the CFO,

23 when we were talking, they would have the

24 numbers on that.

25 Q. And you would what, have a budget

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1 Scott 21

2 make sure that the news department did not

3 exceed its expense numbers for the year,

4 right?

5 A. Yes.

6 Q. What are Nielsen ratings?

7 A. Nielsen ratings are the people

8 meters that -- that measure the audience.

9 Q. They, in essence, measure the

10 number of viewers in a certain geographic

11 region, right?

12 A. Yes.

13 Q. And Nielsen is an independent

14 third-party company unrelated to WPIX, right?

15 A. Right.

16 Q. To your knowledge, are all

17 television stations, at least in the New York

18 metro area, I guess, subscribers to Nielsen

19 ratings?

20 A. Yes.

21 Q. Do you know you whether or not

22 WPIX paid for Nielsen ratings to be given to

23 them?

24 A. I assume that they did, because we

25 had Nielsen as someone that gave us the

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1 Scott 22

2 ratings.

3 Q. As news director, was it also your

4 job responsibility to increase ratings for

5 the news programs?

6 A. Yes.

7 Q. Why is that?

8 A. Well, we tried to -- to bring in

9 the audience to watch us so that we could

10 sell commercials.

11 Q. And when you refer to selling

12 commercials, you mean to advertisers?

13 A. Yes.

14 Q. And how did advertisers pay for

15 commercial time?

16 A. That's under Betty Ellen, that's

17 under sales. I didn't deal with that.

18 Q. Was the amount that an advertiser

19 paid for commercial time related to the

20 station's Nielsen ratings?

21 A. Yes.

22 Q. Directly related, right?

23 A. I would think.

24 Q. Do you have any reason to believe

25 otherwise?

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1 Scott 23

2 A. No.

3 Q. What was your understanding of

4 that direct relationship, was it based on a

5 rating of, like, a 1.2, or you paid a certain

6 amount of money per point, what was your

7 understanding?

8 A. I think that -- I assume that the

9 more -- the higher our ratings go, the more

10 money we bring in.

11 Q. So did you understand that as a

12 news director, it was your responsibility to

13 increase the ratings so that you could

14 increase revenue for the station?

15 A. Yes, but I wasn't the solely one

16 that was responsible for that.

17 Q. Who else do you think was

18 responsible for increased ratings?

19 A. Betty Ellen.

20 Q. She had ultimate responsibility

21 for the entire station as a general manager,

22 right?

23 A. Yes.

24 Q. Would you agree with me that as a

25 member of senior leadership at the station

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1 Scott 24

2 that you were only as good as the people that

3 reported to you?

4 A. That's right.

5 Q. In some respects?

6 A. That's true.

7 Q. Do you think that was true for

8 Betty Ellen as well?

9 A. I don't know behind the scenes, so

10 I can't say.

11 Q. Okay. So going back to the

12 ratings and ad revenue, so if there's an

13 increase in viewers as measured by Nielsen,

14 that would mean that there's an increase in

15 revenue based on the sale of ads?

16 A. I would assume that.

17 Q. Okay. Now, as a news director,

18 what show or shows were you responsible for?

19 A. The News At Ten, the Morning News,

20 the political talk show that Marvin Scott did

21 weekly.

22 Q. Anything else?

23 A. Well, everything on a live basis

24 of cut-ins and breaking news.

25 Q. The morning news show was launched

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1 Scott 25

2 when, in about 2003 or 2001?

3 A. 2001.

4 Q. So the 10 p.m. news as a news

5 director, again the 2000 to 2009 time period,

6 you were responsible for that show during

7 those nine years, right?

8 A. Yes.

9 Q. The Morning News, you were

10 responsible for its launch in 2001 through

11 2009, right?

12 A. Yes.

13 Q. And how about Marvin Scott's show,

14 what was that time period?

15 A. From the time that I was there,

16 the same as the News At Ten.

17 Q. Okay. And what titles of jobs

18 reported to you directly?

19 A. Directly, well, the whole news

20 staff. It would be the assistant news

21 director, the executive producers, it would

22 be the assignment desk personnel, including

23 the managing editor, it would be the writers.

24 I was responsible for all the writers, the

25 anchors and reporters.

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2 not just say, oh, I wanted this guy or this

3 woman. It was not like that, it was very

4 organized.

5 Q. Okay. Were there any EPs for the

6 morning show that you recommended hiring that

7 Betty Ellen would not let you hire?

8 A. No.

9 Q. Okay. Were there any executive

10 producers for the 10 p.m. show that you

11 recommended hiring that Betty Ellen would not

12 let you hire?

13 A. No.

14 Q. Did you understand, as the news

15 director reporting to Betty Ellen, that your

16 performance was based on you meeting your P&L

17 expectations?

18 A. There's a lot that came into that.

19 Q. But you understood that one of the

20 things you were judged on was whether or not

21 you met your budget, correct?

22 A. Oh, excuse me, I didn't

23 understand. Yes, definitely.

24 Q. And you understood that as news

25 director, you were judged on whether or not

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1 Scott 30

2 the news department made a profit?

3 A. Yes.

4 Q. As you were expected to make a

5 profit, right?

6 A. Yes.

7 Q. And did you also understand that

8 as a news director reporting to Betty Ellen,

9 that your performance was based on the

10 ratings that the news programs received?

11 A. Yes.

12 Q. Okay. Have you ever heard of the

13 term "three screens"?

14 A. No.

15 Q. With respect to Exhibit 1, if you

16 look at the top section where it says that

17 you were responsible for developing and

18 executing strategies designed to make the

19 station's news product the audience leader in

20 the market?

21 A. Uh-huh.

22 Q. What did you understand that to

23 mean?

24 A. Well, we have to be updated with

25 everything that goes on and implement. The

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1 Scott 31

2 engineering department implemented it, but.

3 Q. What -- that includes on-air news,

4 right?

5 A. Yeah, yeah.

6 Q. Which would be, obviously, the 10

7 p.m. show, right?

8 A. 10 p.m.

9 Q. And the Morning Show?

10 A. And the morning.

11 Q. Would it include the use of

12 online --

13 A. Yes.

14 Q. -- communication?

15 A. Yeah.

16 Q. Like what?

17 A. Well, I mean, when all the

18 computers came in and then, we, after that,

19 it grew for blogs and headed on blogging.

20 Twitter was coming in and of its own when I

21 left. We had clip edit at the desk, we were

22 the first ones in the City to have that. I

23 saw it at NAB, and I fell in love with it,

24 and I was with my engineers at the time, and

25 it was very good because it allowed people,

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2 A. No.

3 Q. Throughout WPIX and even the

4 Tribune system, was there a real emphasis, at

5 least over the least three or four years that

6 you were the news director, to focus on

7 delivering throughout the day feeds to the

8 internet, whether it's Twitter or Facebook or

9 postings to the website?

10 A. Yes.

11 Q. Do you know why?

12 A. What do you mean?

13 Q. Why, why is that important to do?

14 A. Well, I mean, because that's the

15 way to get the news back and forth, but as

16 far as, I never wanted to go on Facebook

17 because we had problems with a lot of

18 stalkers, and, you know, on Facebook people

19 get on, and in my e-mail alone, there was

20 like at least 200 a day. I mean, to keep on

21 top of that, I just did not have time for the

22 Facebook.

23 Q. You, yourself, or you mean the

24 station? When you say you didn't have time

25 for Facebook, do you mean you personally or

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1 Scott 35
 2 the station?
 3 A. Personally.
 4 Q. And how about the station, did you
 5 think it was important for the station --
 6 A. Yes, and people around me that
 7 were on Facebook.
 8 Q. Like who?
 9 A. John Houseman, my staff.
 10 Q. Do you know whether or not WPIX
 11 sold any ads with respect to online viewing?
 12 A. Yes, they did.
 13 Q. Do you know how revenue was
 14 determined or how prices were set for online
 15 advertisers?
 16 A. That wasn't my -- that wasn't my
 17 issue. That was sales, based on them. Betty
 18 Ellen worked with them.
 19 Q. Do you know whether or not, for
 20 example, advertisement was based on the
 21 number of viewers that looked at the website?
 22 A. Yes.
 23 Q. So did you understand that part of
 24 your responsibility was to increase the
 25 number of viewers to look at the website?

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1 Scott 36
 2 A. Overall, yes.
 3 Q. Do you know Doug Vannoni?
 4 A. Yes.
 5 Q. What was his job at WPIX?
 6 A. He had a lot of jobs. The latest
 7 one, he worked in the computer area.
 8 Q. And how about John Ziegler, do you
 9 know him?
 10 A. Yes, he's the -- I don't know if
 11 he's still there, but he was a creative
 12 services person.
 13 Q. Was he at the same level as you in
 14 the corporate hierarchy?
 15 A. No, he was a department head.
 16 Q. Like you?
 17 A. Like I was.
 18 Q. Was there ever a time that Betty
 19 Ellen suggested or told you to sit down with
 20 John and Doug to learn about Facebook,
 21 Twitter, and other modes of online?
 22 A. No, never.
 23 Q. Never?
 24 A. Never.
 25 Q. Did you ever receive any training

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1 Scott 40
 2 level of terror alerts, right?
 3 A. Yeah.
 4 Q. So that the -- what was going on
 5 around the world became more of an issue for
 6 New York, for example, itself, right, because
 7 the terrorist attacks were primarily focused
 8 here?
 9 A. Yes.
 10 Q. Would you also agree that with the
 11 internet and Twitter and all of those types
 12 of online interactive media, that it became
 13 vital for WPIX to break the news, so to
 14 speak, throughout the entire day, as opposed
 15 to wait until the 10 p.m. show. Is that fair
 16 to say?
 17 A. Oh, yes.
 18 Q. Because, let's say in the 90s, for
 19 example, when you didn't have a website or
 20 you didn't have Twitter or you didn't have
 21 Facebook, your only way really of breaking
 22 the news to your audience was at 10 p.m.,
 23 right, for the first time throughout the day,
 24 unless there was some breaking story that you
 25 wanted to share?

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1 Scott 45
 2 and after that, I would send it back, because
 3 it had to go back to HR, and go through the
 4 system.
 5 Q. Do you ever remember for any of
 6 these years, ever writing any comments to
 7 your performance evaluation?
 8 A. Well, I may have talked to Betty
 9 Ellen a little bit about my -- you know, say
 10 I received it, and thank you for some of the
 11 comments.
 12 Q. But do you ever recall submitting
 13 anything in writing in response to any
 14 performance evaluation during this 2003 to
 15 2006 time period?
 16 A. No, because I didn't have any
 17 issue with what she was saying.
 18 Q. Let's look quickly just at the
 19 first one, 2003, under business acumen, the
 20 first box, and just look at the last
 21 sentence, it says "Karen has been working on
 22 a more formal approach to progressive
 23 discipline, and I'd like to see her continue
 24 her developmental progress in this area." Do
 25 you see that?

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2 Q. This review, which has five

3 categories, of which you got of four for four

4 of them and a five for leadership, right --

5 A. Right.

6 Q. -- for 2003?

7 A. Right.

8 Q. Would you consider this to be a

9 stellar evaluation or just a pretty solid

10 evaluation?

11 A. I think it's a very good

12 evaluation.

13 Q. But would you agree with me, it's

14 not stellar?

15 A. What do you mean by stellar?

16 Q. What do you mean by stellar, how

17 would you characterize stellar?

18 A. The best of the best, I mean, you

19 know, but, A plus, plus, no, but it's a good

20 evaluation.

21 Q. But you wouldn't call it stellar?

22 A. I think it was pretty solid.

23 Q. Would you call it stellar?

24 A. I don't like that word.

25 Q. Why not?

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2 A. It's just a word that I wouldn't

3 use, that's all.

4 Q. Okay. Look at the 2004

5 evaluation. It shows that in innovation, you

6 went from a four to a three in 2004, right?

7 A. Well --

8 Q. If you compare those two just

9 those by the numbers?

10 A. Uh-huh.

11 Q. And then with respect to

12 leadership, you went from a five to a four,

13 right?

14 A. Okay.

15 Q. So you went down in this

16 evaluation, correct, as compared to 2003,

17 yes?

18 A. Yes.

19 Q. By the way, with respect to 2003,

20 do you think that Betty Ellen was fair to you

21 with this evaluation?

22 A. 2003 -- hold on one second,

23 please.

24 Q. Sure.

25 MR. RUBINSTEIN: It's the first

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1 Scott 49

2 one.

3 A. In which category?

4 Q. The whole overall performance

5 review.

6 A. Yes.

7 Q. Is there anything in your 2003

8 evaluation that you believe is discriminatory

9 because of your age?

10 A. No.

11 Q. The 2004 evaluation, is there

12 anything in this evaluation which you believe

13 Betty Ellen was treating you unfairly?

14 A. No.

15 Q. Is there anything in the 2004

16 evaluation that you believe shows that Betty

17 Ellen discriminated against you because of

18 your age?

19 A. No.

20 Q. In 2004, in the first box again

21 under business acumen, it makes reference

22 again to you needing to develop a more formal

23 approach for progressive discipline, right?

24 A. Yes.

25 Q. Okay. And then on the second

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2 writing, and several times, they were over

3 the top, out of control, we had to do that.

4 Q. Okay.

5 A. But it wasn't an everyday thing.

6 I mean, it wasn't like people were running

7 amuck. We were a team, we were family down

8 there, and everyone protected each other's

9 backs.

10 Q. By the way, did you have a good

11 working relationship with Jean Maye?

12 A. Yeah, I didn't -- yeah, we did.

13 Q. And to your knowledge, was there

14 any animosity or hostility between the two of

15 you?

16 A. No, she was the HR director. When

17 we had big issues, right away, I called her.

18 Right away, she came down to my office, we

19 sat together before we brought the people in,

20 we both decided how we were going to do it.

21 We had a united front for every one of our

22 people that we needed to talk to. I -- as

23 far as I felt, we had a -- we had a pretty

24 good, you know, communication.

25 Q. Did you think she was a fair

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2 person?

3 A. Yes.

4 Q. Okay.

5 A. Yes. Yes, I did.

6 Q. Do you ever believe that she ever

7 did anything to you or towards you because of

8 your age?

9 A. Not -- not that I'm aware of. I

10 mean, maybe someone else's, but not that I

11 know.

12 MR. CERASIA: Okay. We'll stop

13 here.

14 THE VIDEOGRAPHER: Stand by,

15 please. This is the end of tape number

16 one. The time is 10:37 a.m.

17 (Pause.)

18 THE VIDEOGRAPHER: This is tape

19 number two of the deposition of Karen

20 Scott. We are now on the record at

21 10:48 a.m., you may continue.

22 BY MR. CERASIA:

23 Q. With respect to your 2004

24 evaluation, would you characterize this

25 evaluation as stellar?

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2 A. No.

3 Q. While you were the news director,

4 the news programming or the department won

5 several awards, correct?

6 A. Yes.

7 Q. And did you yourself,

8 individually, win some awards?

9 A. Yes.

10 Q. Do you know whether or not any

11 advertisers ever pay the station for

12 advertising based on awards won?

13 A. That's a good promotion.

14 Q. Do you know whether or not or not

15 they ever pay money?

16 A. No, I have no idea.

17 Q. It's your understanding that they

18 only pay based on the ratings?

19 A. No, but they --

20 Q. I'm just asking what you

21 understand.

22 A. Okay. Repeat the question.

23 Q. Sure. Do you understand that

24 advertisers, I think you testified, they pay

25 advertising dollars based on the ratings for

PIROZZI & HILLMAN
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2 the news show, right?

3 A. Yes.

4 Q. And I'm asking you whether you

5 have any belief that an advertiser pays any

6 money for advertising based on awards won

7 either by the station or its news director?

8 A. I feel that the awards that any

9 station wins is part of an image, a positive

10 image of the station and the people that work

11 there, and that being said, I think that

12 would help advertisers to come in.

13 Q. Okay. Do you know whether or not

14 any advertisers actually did pay advertising

15 dollars --

16 A. I don't know.

17 Q. -- because of the awards?

18 If you look at the 2005

19 evaluation, which is the sixth page of

20 Exhibit 2, 67th page, I should say, the

21 evaluation, the scoring, dropped in each

22 category, correct?

23 A. Uh-huh.

24 Q. I stand corrected, except for one.

25 Innovation stayed the same at a three, right,

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1 Scott 57

2 compared to 2004, right?

3 A. Right.

4 Q. Do you know whether or not you

5 ever wrote any rebuttal to this evaluation?

6 A. I don't remember.

7 Q. Do you claim that there's anything

8 in this evaluation that you would

9 characterize as unfair?

10 A. No.

11 Q. Do you claim that there's anything

12 in this evaluation that you claim Betty Ellen

13 put in there to discriminate against you

14 because of your age?

15 A. No.

16 Q. If you look at the last box,

17 "results orientation" on page one, which is

18 the bottom right-hand number, WPIX474. Okay?

19 A. Right.

20 Q. The first sentence says, "the

21 ratings for both the morning and evening

22 newscast have gone down dramatically, and it

23 has resulted in a negative P&L for news." Do

24 you agree with that statement?

25 A. I don't -- I don't remember

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1 Scott 59

2 A. I don't remember.

3 Q. What's a sweep?

4 A. A sweep is -- a sweep is the

5 ratings in about four or five different

6 months during the year that -- that we are

7 counting -- we are counted.

8 Q. Do you know what those months are?

9 A. Yes.

10 Q. Which ones, what are they?

11 A. Well, February -- I mean, the

12 major ones now. February, May, July, but

13 it's not as serious, and October, but it's

14 not that big, November is big.

15 Q. Did you get ratings on a daily

16 basis for both the morning and evening news

17 show?

18 A. Yes.

19 Q. And then what you're saying is

20 that the sweep months were the more important

21 ratings, right?

22 A. Yes.

23 Q. Do you know why?

24 A. Do I know, because that's

25 advertisers, that's where they, they put

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1 Scott 60

2 their emphasis on those months.

3 Q. Okay. Out of the four months,

4 that being February, May, July and November,

5 out of those four months, were there any

6 months in particular that were more important

7 than the other three?

8 A. Well, we all consider it very

9 important. The May book is important, the

10 November book is very important.

11 Q. Is the November book more

12 important than the May book?

13 A. I always treated it as being very

14 important.

15 Q. Why is that?

16 A. Because it's our ratings.

17 Q. But why November versus the other

18 three months that you think were more

19 important?

20 A. Well --

21 MR. RUBINSTEIN: I don't think --

22 Q. Let me ask you this, did you

23 perceive the May -- or excuse me, the

24 November ratings book to be more important

25 than the other three books?

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1 Scott 61

2 A. The May book was very big.

3 Q. Do you know whether or not any

4 yearly forecasts were based off the November

5 ratings?

6 A. I don't remember now.

7 Q. Okay. Your 2005 evaluation, would

8 you call that stellar?

9 A. No.

10 Q. Okay. Look at the second page of

11 your 2005 evaluation, it's the final box

12 under additional information. Why don't you

13 read that to yourself, and tell me where

14 you're done.

15 A. Where are you?

16 Q. If I may point.

17 A. Okay. Thank you.

18 Q. Yes, right there.

19 Is there anything in those, I

20 guess four or five sentences, with which you

21 disagree?

22 A. No.

23 Q. Okay. Did you have any concern

24 about your job after receiving this

25 evaluation?

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212-213-5858

1 Scott 64

2 that the ratings in 2005 were dramatically

3 lower than 2004?

4 A. I'd have to see them.

5 Q. Was it your recollection at least

6 they were down from '04 to '05?

7 A. Again, I'd have to see them.

8 Q. Well, do you have any reason to

9 believe this is wrong?

10 A. Probably not.

11 Q. Okay. Did you have the same pay

12 scale approximately in 2004 that you had in

13 2005?

14 A. Yes.

15 Q. Did you have that same pay scale

16 throughout the time that you were at the

17 station as a news director?

18 A. Yes.

19 Q. Did you always feel that you were

20 the lowest in the City or close to it on the

21 pay scale?

22 A. Yes.

23 Q. But even so, you had some very

24 good years where your ratings were high,

25 right?

PIROZZI & HILLMAN
212-213-5858

1 Scott 65
2 A. In spite of it, yes.
3 Q. So even when you had what you'll
4 call less resources than competitors, you
5 beat your competitors at times, right?
6 A. Yes.
7 Q. Why don't you go to 2006. In
8 comparison to 2005, you actually went up in
9 every category, right?
10 A. Yes.
11 Q. And under business acumen, the
12 last sentence again. For the fourth year in
13 a row Betty Ellen noted that you needed to do
14 a better job of implementing progressive
15 disciplinary standards, right?
16 A. Okay.
17 Q. If you look at "customer
18 orientation."
19 A. Customer orientation.
20 Q. Second box, on the first page of
21 the 2006 evaluation.
22 A. Okay.
23 Q. Last sentence says, "she has
24 effectively mended a strained relationship
25 with creative services, which has resulted in

PIROZZI & HILLMAN
212-213-5858

1 Scott 66
2 a higher quality of work," is that John
3 Ziegler?
4 A. Creative services would be John
5 Ziegler at the time.
6 Q. Did you -- was there a period of
7 time where you had a strained relationship
8 with him?
9 A. Not really, no.
10 Q. Do you know if you ever wrote a
11 rebuttal to this review?
12 A. No, I don't remember.
13 Q. Okay. Would you agree with me
14 that compared to 2005, that by rating you
15 higher in 2006, that Betty Ellen treated you
16 favorably?
17 A. Yes.
18 Q. Is there anything in this
19 evaluation that Betty Ellen prepared for you
20 in 2006 that you claim was unfair?
21 A. No.
22 Q. Is there anything in this 2006
23 evaluation that Betty Ellen included in here
24 that you claim was discriminatory because of
25 your age?

PIROZZI & HILLMAN
212-213-5858

1 Scott 67
2 A. No.
3 Q. Would you call this 2006 review
4 stellar?
5 A. No.
6 Q. Look at the last page of the 2006
7 review, the last box. It says, "Karen has
8 effectively managed the news department
9 through a very difficult time. The
10 introduction of LPM and the collapse of the
11 network." Now, LPMs are local people meters,
12 right?
13 A. Yes.
14 Q. That's a Nielsen thing?
15 A. Yes.
16 Q. Did Nielsen change its use of
17 meters or the method by which it tested --
18 A. Yes.
19 Q. -- ratings?
20 A. Yes, it did.
21 Q. And that was something that you
22 had to and the whole station had to get used
23 to?
24 A. Yes.
25 Q. And that was true for every other

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1 Scott 69
2 --
3 A. Not as high.
4 Q. No, no. What do you mean when you
5 refer to what you said was a quote lead-in,
6 what is that?
7 A. The lead-in is the programming
8 before the news.
9 Q. So the news is on at 10 o'clock,
10 so the lead-in would be the 9:00 or 9:30
11 show?
12 A. Right, exactly.
13 Q. So whatever show that was?
14 A. Right.
15 Q. You did not believe, at least in
16 your opinion, that the CW lead-in was as good
17 as the WB lead-in?
18 A. Yes, probably.
19 Q. Now, did the other Tribune
20 stations around the country have the exact
21 same lead-in that WPIX had?
22 A. Yes, they do.
23 Q. So for example, what is it, KTLA
24 out in Los Angeles, yes?
25 A. Yes.

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1 Scott 70
2 Q. Would have the same lead-in 9
3 o'clock to 10 o'clock show that WPIX in New
4 York had, right?
5 A. I assume.
6 Q. And that would be the same thing,
7 for example, WGN in Chicago, correct?
8 A. Yes.
9 Q. Did you have a lead-in for the
10 morning show?
11 A. At times, yes.
12 Q. What was the morning show, what
13 time did it start on-air?
14 A. Well, we're -- we -- the hours
15 changed, but basically, 4:30 to 9:00.
16 Q. 9:00 a.m.?
17 A. Uh-huh.
18 Q. And sometimes there was a lead-in
19 show, and sometimes there wasn't?
20 A. Well, no, there's always something
21 before it, but it changed. I don't remember
22 exactly. There was a game show once, there
23 was, I think we put in some Honeymooners, but
24 it varied.
25 Q. It was something over which WPIX

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1 Scott 72
2 believe that you received an evaluation for
3 2008, a written evaluation?
4 A. I would believe so. I -- I don't
5 understand if I have it all, that I had it
6 every year, that all of a sudden it stopped.
7 Q. Was there a change in ownership of
8 Tribune at some point?
9 A. Yes.
10 Q. Do you know when that was?
11 A. December, the Zell -- Sam Zell
12 bought the company in December of '07.
13 Q. Did any of the personnel policies
14 or performance management policies change
15 when there was a new owner?
16 A. Yes, I'm sure it did.
17 Q. Do you recall?
18 A. Well, that would be -- that would
19 be -- I don't recall, I don't recall.
20 Q. Do you know whether or not you,
21 yourself, prepared written performance
22 evaluations for the people who directly
23 reported to you in either 2007 or 2008?
24 A. I'm pretty sure in 2007, I'm not
25 sure about 2008.

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1 Scott 76
2 Q. Now, look at the second page,
3 2008, it shows that your annual rate
4 increased up to \$246,997 for the year, right?
5 A. Yes.
6 Q. Do you know who made that decision
7 to give you a salary increase?
8 A. Yes.
9 Q. Who?
10 A. I assume Betty Ellen.
11 Q. Do you agree that that was a
12 favorable decision, favorable in the sense,
13 meaning to you?
14 A. Yes.
15 Q. And then it shows that your
16 incentive pay now was \$75,000, right?
17 A. Yes.
18 Q. So that went up from \$68,000?
19 A. Yes.
20 Q. Again, you understood that that
21 discretionary pay was awarded by Betty Ellen?
22 A. Yes.
23 Q. And would you consider that to be
24 a favorable decision?
25 A. Yes.

PIROZZI & HILLMAN
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1 Scott 77
2 Q. Do you claim that any part of your
3 2008 pay was discriminatory to you because of
4 your age?
5 A. No.
6 Q. Do you know what you were eligible
7 to receive as far as a bonus in 2008?
8 A. No.
9 Q. And then in 2009, your
10 compensation stayed the same, correct?
11 A. Okay.
12 Q. Meaning, I'm sorry, your annual
13 salary stayed at \$246,997?
14 A. Right.
15 Q. Was there something that happened
16 in December of 2008 to the company?
17 A. Bankruptcy.
18 Q. Its parent company, Tribune
19 Company, filed for Chapter 11 bankruptcy,
20 correct?
21 A. Yes.
22 Q. Did that bankruptcy, in your view,
23 put more pressure on you in your role as the
24 news director at WPIX?
25 A. Yes.

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1 Scott 78

2 Q. In what way?

3 A. There -- it was new managers.

4 Q. There were new managers at the

5 time of the bankruptcy or before the

6 bankruptcy?

7 A. Well, before, but they became --

8 they visited a lot more.

9 Q. Okay. Well, let me ask you this.

10 We talked about when Sam Zell or his group

11 bought the company, it went from being a

12 publicly-traded company to an employee stock

13 ownership plan, right?

14 A. Right.

15 Q. And there were new managers that

16 came in in the end of 2007 with that change

17 in ownership?

18 A. December of '07.

19 Q. Do you believe that your job

20 became harder after that?

21 A. Same job. Just -- for me, it

22 didn't become harder, we just kept doing what

23 we were doing.

24 Q. Did you feel more pressure then in

25 your role as news director?

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1 Scott 79

2 A. I don't remember.

3 Q. How about after the bankruptcy

4 filing in December 2008, did you feel more

5 pressure to succeed as a news director at

6 WPIX?

7 A. The pressure was on all the

8 department heads.

9 Q. And on the general manager, Betty

10 Ellen too, right?

11 A. Oh, definitely.

12 Q. Is it fair to say that after the

13 bankruptcy filing, there was a real focus on

14 profitability?

15 A. Yes.

16 Q. More so than in the past?

17 A. I don't know. I don't remember if

18 it was more so than in the past, but.

19 Q. Okay. How about as far as the

20 need to control expenses, did you see a

21 change in focus or the amount of pressure on

22 you to control expenses after the bankruptcy

23 compared to before the bankruptcy filing?

24 A. Yes.

25 Q. In what way?

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1 Scott 82

2 point before 2005 whether the news department

3 had operated as a loss?

4 A. I don't remember.

5 Q. Okay. This last sentence of that

6 first full paragraph starts out with, it's

7 the third line from the bottom over to the

8 right, starts out, it says, "ultimately,

9 Karen, you're responsible for the news, so

10 I'm asking you to please take a hard look at

11 what we're doing and make some difficult

12 decisions. Everyone's future is on the line

13 here. I need you to take a leadership role

14 here, and get us back on track before it's

15 too late." You did understand that you were

16 responsible for the overall news, right?

17 A. Yes.

18 Q. And is it fair to say that these

19 were some dire circumstances that you were

20 facing?

21 A. Yes.

22 Q. In fact, at least in the morning

23 show, it said that you were in dead last

24 place and consistently losing to CBS, right,

25 that's the sixth and the seventh line, right?

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212-213-5858

1 Scott 83

2 A. Yes.

3 Q. Did you understand that to mean

4 that your ratings were lower?

5 A. Yes.

6 Q. Okay. So when you're comparing to

7 yourself to the other competitors, you're

8 always doing so based on the ratings, right?

9 A. Yes.

10 Q. And they're all subject to the

11 exact same Nielsen studies and research that

12 you are, right?

13 A. Yes.

14 Q. So for example, I understand that,

15 and correct me if I'm wrong, you believe that

16 the Nielsen ratings were flawed, right?

17 A. Yes.

18 Q. And you believed that Betty Ellen

19 and others thought that Nielsen ratings were

20 flawed, right?

21 A. Yes.

22 Q. But you also believed that all the

23 other stations in New York City had the exact

24 same belief that those ratings were flawed,

25 right?

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1 Scott 84

2 A. Yes.

3 Q. So everybody was subjected, if the

4 ratings were flawed, they were all subjected

5 to the exact same flawed ratings, right?

6 A. Right.

7 MR. CERASIA: Can you mark this as

8 five, please.

9 (May 23, 2005 E-mail was marked as

10 Scott Exhibit 5, for identification, as

11 of this date.)

12 Q. I'm showing you what's been marked

13 as Scott deposition Exhibit 5. It's a series

14 of two May 23, 2005 e-mails, one from Betty

15 Ellen to you and Mike Gano and Jean Maye, and

16 then a response from you to those

17 individuals.

18 Who is Bob Conover, is that how

19 you say his name?

20 A. Yes.

21 Q. What role did he have?

22 A. He was a technical director,

23 director of news.

24 Q. Of news?

25 A. Of news.

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1 Scott 85

2 Q. And he reported to you?

3 A. No, he reported to engineering.

4 Q. To Mike Gano?

5 A. Yes, to Mike Gano.

6 Q. Mike Gano is the chief engineer at

7 the time?

8 A. He's the head of the department,

9 chief engineer.

10 Q. And what was -- do you know what

11 the problem was with respect to him and what

12 impact he was having on the show?

13 A. What -- what issue, as far as what

14 was the whole issue or what -- what are you

15 asking? I'm sorry.

16 Q. Well, it seems like he was put on

17 a performance improvement plan. Were you

18 aware of that?

19 A. No, because I -- it never came

20 through my office. It was HR, and I would --

21 excuse me, I would assume it's HR and the

22 department head.

23 Q. Okay.

24 A. And when that happens, I assume

25 that they never -- I never heard from Mike

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1 Scott 90

2 company, but it was basically Dan.

3 Q. Is he recognized as somebody who

4 is a leading consultant in the New York area

5 news --

6 A. Yes.

7 Q. -- business.

8 MR. CERASIA: Okay. I'll take

9 that.

10 Can you mark this as seven,

11 please.

12 (September 21, 2005 E-mail was

13 marked as Scott Exhibit 7, for

14 identification, as of this date.)

15 Q. I'm showing you what's been marked

16 as Scott deposition Exhibit 7. It's two

17 e-mails from Betty Ellen to you and you back

18 to her, September 21, 2005, bearing WPIX 148.

19 Tell me after you've taken a look at that.

20 Have you had a chance to look at

21 that?

22 A. Uh-huh.

23 Q. The title of this e-mail from

24 Betty Ellen to you said, "in light of the

25 recent events in the news departments in

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1 Scott 91

2 Philadelphia and San Diego," do you know what

3 that refers to?

4 A. I believe -- I believe at that

5 time, I believe that was outsourcing the

6 news.

7 Q. So Tribune made a decision in

8 those two markets to outsource the news

9 department, correct?

10 A. Right.

11 Q. And Betty Ellen, is it fair to say

12 was concerned that that could happen to WPIX

13 in light of the fact that you were losing so

14 much money?

15 A. Yes.

16 Q. And was that a concern of yours as

17 well?

18 A. Yes.

19 Q. Is there anything in this e-mail

20 that Betty Ellen sent to you with which you

21 disagree?

22 A. No.

23 Q. Is there anything in this e-mail

24 that you claim is discriminatory towards you

25 because of your age?

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1 Scott 92

2 A. No.

3 MR. CERASIA: Mark that as 8,

4 please.

5 (October 20, 2005 E-mail was

6 marked as Scott Exhibit 8, for

7 identification, as of this date.)

8 Q. I'm showing you what's been marked

9 as Scott deposition Exhibit 8, which is an

10 October 20, 2005 e-mail from Betty Ellen to

11 you, the subject is "the News At Ten."

12 Would you take a look at it and

13 tell me after you've had a chance to review

14 it.

15 THE VIDEOGRAPHER: We have about

16 five minutes left on this tape.

17 MR. CERASIA: Okay.

18 Q. Have you had a chance to review

19 it?

20 A. Yes.

21 Q. Okay. Do you remember receiving

22 this e-mail?

23 A. Honestly, I don't, but I saw this

24 copy in the e-mails that you sent my lawyer.

25 Q. Okay. In the second paragraph it

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1 Scott 99

2 Q. And who is Steve Charlier?

3 A. I believe when I was there, he --

4 he was one of the -- Sam Zell's management

5 team. At the time, I think he was head of

6 news, news broadcasting..

7 Q. Was he the senior vice president

8 of the news, to your knowledge?

9 A. I don't remember his title.

10 Q. When you say head of news

11 broadcasting, would that be for all of the

12 Tribune TV stations?

13 A. I believe that, yes.

14 Q. Did you have interaction with him

15 after he joined the company?

16 A. Yes.

17 Q. Direct interaction?

18 A. Once in a while.

19 Q. Would that be face to face, over

20 the phone, e-mail, what?

21 A. Basically, he would come in to the

22 news room and go -- go to the different

23 properties.

24 Q. How many times do you think you

25 met him?

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1 Scott 100

2 A. A dozen maybe. A dozen.

3 Q. So that would have been from what,

4 he came on board at some point in 2008, or

5 you don't know?

6 A. I don't know. I don't want to

7 take a guess, but it was of course after they

8 bought the company.

9 Q. Was, in your mind, there any

10 animosity or hostility between the two of

11 you?

12 A. No.

13 Q. Did he treat you professionally?

14 A. Yes.

15 Q. Was there ever a time that he ever

16 yelled at you?

17 A. No.

18 Q. Do you claim that he did anything

19 towards you that you believed was

20 discriminatory because of your age?

21 A. Not that I know.

22 Q. Okay. Do you claim that he ever

23 treated you unfairly?

24 A. No.

25 Q. Did you ever have discussion with

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1 Scott 109

2 (October 28, 2005 E-mail was

3 marked as Scott Exhibit 9, for

4 identification, as of this date.)

5 Q. I'm showing you what's been marked

6 as Exhibit 9, which is an October 28, 2005

7 e-mail from Betty Ellen to you, the subject

8 is last night's news numbers. Tell me after

9 you've had a chance to read it, please.

10 A. Okay.

11 Q. Have you had a chance to look at

12 it?

13 A. Yes, I did.

14 Q. The last or second to last

15 paragraph starting with "needless to say,"

16 "the news part of the operating plan did not

17 go well," do you know what that means?

18 A. The -- no. I mean, I can assume,

19 maybe the numbers.

20 Q. Do you think it was budgeting for

21 the 2006 year?

22 A. I don't know, but it may have

23 been.

24 Q. Do you know what it means when

25 Betty Ellen writes, "our two-year P&L was in

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1 Scott 110
 2 essence rejected*?
 3 A. Right.
 4 Q. Do you know what that means?
 5 A. Ask the question again.
 6 Q. Do you know what that means, what
 7 it refers to, "our two-year P&L of projected
 8 losses was in essence rejected*"?
 9 A. Right, yes.
 10 Q. What's that mean?
 11 A. It means they wanted us to earn
 12 more and we hadn't.
 13 Q. So in October of 2005, would it
 14 then be fair to say that this was some
 15 projections for 2006 and going forward, that
 16 she was working at senior management at
 17 Tribune to get approval for your budget?
 18 A. Yes.
 19 Q. And that was rejected, that was
 20 your understanding, right?
 21 A. I didn't know about this.
 22 Q. You don't think you got this
 23 e-mail?
 24 A. I don't remember this. Let's just
 25 say I don't remember this.

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1 Scott 112
 2 the lead-ins, the lead-ins, I couldn't do
 3 anything with. That was Betty Ellen's --
 4 that was Betty Ellen's area, she dealt with
 5 the network, she dealt with what they were
 6 putting on in front of us. Our lead-ins,
 7 compared to Fox, just Fox, I can go through
 8 the whole thing, but for Fox 5, we would --
 9 I'm just gonna -- we would get lead-ins like,
 10 I'm talking in general, 1.2, 1.3, maybe 1.5
 11 or not even, and then you'd go over to
 12 lead-ins on Fox 5, they would go with
 13 American Idol or any other programs they had,
 14 they had great programming. They would come
 15 in with tens, nines, sometimes even 20s. I
 16 mean, it was just outrageous, it was like
 17 looking at a Superbowl number, and so when
 18 you have, say Fox 5 and their -- and you have
 19 Fox 5 and their lead-in is that high, they
 20 start there, where our lead-in, we would have
 21 to try and move up and it was very difficult.
 22 Those are the two major things that we all
 23 knew downstairs that we faced and for
 24 whatever reason, nothing was done about it.
 25 Q. But you had that view with, for

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1 Scott 113
 2 the time period from 2000 to 2009, correct,
 3 you had issues with the lead-ins?
 4 A. Yes.
 5 Q. So even when you had years where
 6 your rating were good, you still had issues
 7 with the lead-ins, correct?
 8 A. Yes.
 9 Q. I thought you testified earlier
 10 today that the lead-ins were something that
 11 were the responsibility of the network and
 12 not WPIX?
 13 A. Well --
 14 Q. For the evening news.
 15 A. Well, Betty Ellen, was, as far as
 16 I'm concerned, as a general manager, she was
 17 the one that talked to the network, she was
 18 the one that worked it out with them and our
 19 lead-ins were absolutely horrible, horrible.
 20 Q. Do you claim that Betty Ellen was
 21 responsible for the lead-ins on WPIX?
 22 Meaning in the selection of the program,
 23 that's what I'm asking you.
 24 A. I would say that the person that
 25 interacted with the -- with the networks,

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1 Scott 114
 2 network people, the people, the person would
 3 be the general manager, and that's Betty
 4 Ellen.
 5 Q. But you had told me that it was
 6 your understanding that the lead-in for the
 7 10 p.m. news show was identical throughout
 8 the country for Tribune-owned stations, is
 9 that right?
 10 A. I'm not sure, but I -- I seem to
 11 believe that it should be.
 12 Q. Do you claim that Betty Ellen
 13 wanted poor lead-ins?
 14 A. I would assume that she would not,
 15 but I'm not sure. All I know is that -- all
 16 I know is that as a general manager, the two
 17 things that -- that hurt our product was
 18 promotion is number one, never letting people
 19 know that we were there. Number two was the
 20 lead-ins, they were horrific.
 21 Q. But you don't have any personal
 22 knowledge as you sit here today that Betty
 23 Ellen actually was the person responsible for
 24 lead-in programming, do you?
 25 A. Well, I have the personal

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 212-213-5858

1 Scott 116
 2 AFTERNOON SESSION
 3 1:24 p.m.
 4 EXAMINATION CONTINUED
 5 BY MR. CERASIA:
 6 THE VIDEOGRAPHER: The time is
 7 1:24. We are back on the record, and we
 8 may continue.
 9 Q. I'm going to have you look back
 10 for a minute at Exhibit 9, and have you look
 11 at the first paragraph.
 12 A. Okay.
 13 Q. Okay. This paragraph addresses
 14 lead-in programming, right?
 15 A. Right.
 16 Q. In fact, in October 2005, your
 17 prime time for WPIX was a show called
 18 Everwood, right, that's what it says here
 19 anyway?
 20 A. Yes.
 21 Q. Okay. And Fox had obviously a
 22 prime time show as did WWOR, right?
 23 A. Yes.
 24 Q. And WPIX was called cuts, C-U-T-S?
 25 A. I don't remember.

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1 Scott 117
 2 Q. This paragraph says that your
 3 lead-in was a 1.8 rating, right, but that the
 4 newscast dropped to a 0.6, correct?
 5 A. That's what it says here.
 6 Q. Okay. So you had a higher lead-in
 7 than you did, as far as the ratings, than you
 8 did for the news show itself at 10:00?
 9 A. Yes.
 10 Q. And on the other hand, Fox had a
 11 comparable 1.9 rating for its prime time
 12 show, right? Yes?
 13 A. Yes.
 14 Q. But it went up to 2.1, correct?
 15 A. That's what it says.
 16 Q. For its news, right?
 17 A. Okay.
 18 Q. And WOR had a much lower rating
 19 for prime time, it was 0.8, correct, that's
 20 what it says here, right?
 21 A. Yes.
 22 Q. And then their news show went up
 23 to a 1.1, right?
 24 A. Yes.
 25 Q. So you had testified before we

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1 Scott 118
 2 took a break for lunch that one of the
 3 reasons you felt the ratings for the news
 4 show were lower than your competitors was
 5 because you thought that your lead-in
 6 programming was not as good, right?
 7 A. Right.
 8 Q. But this shows the opposite,
 9 doesn't it?
 10 A. Well, for this one time.
 11 Q. Right.
 12 A. But you've got to understand, when
 13 you don't get promotion, promotion isn't
 14 something that you dip in and dip out of.
 15 Promotion is image campaigns, constant on-air
 16 campaigns, whether it's on our own air, which
 17 we hardly ever had and then on billboards,
 18 everything else that goes with it and that,
 19 you can't expect, even if you have a lead-in
 20 like that, why they would come to channel 11
 21 if no one knows they're there because there's
 22 no promotion for our shows, and what you're
 23 talking about is Fox, Fox had the promotion
 24 machine, they're a promotion machine.
 25 They were doing that for -- for

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1 Scott 119
 2 their stations, I mean, you can't, you just
 3 can't think that just one day, someone, oh,
 4 they're going to watch this show.
 5 Q. I understand, but at least for
 6 this one day --
 7 A. Right.
 8 Q. -- this shows something contrary
 9 to what you had testified about the lead-in.
 10 A. Well, because they won't tune in
 11 -- they won't stay to our -- they don't know
 12 it exists. What they do is go to Fox 5 or
 13 somewhere else.
 14 Q. What's a snipe?
 15 A. That's a snipe, the -- I don't
 16 remember. I don't remember right now.
 17 MR. CERASIA: Mark this as -- I'll
 18 take number nine, can you mark this as
 19 ten, please.
 20 (August 6, 2008 E-mail was marked
 21 as Scott Exhibit 10, for identification,
 22 as of this date.)
 23 Q. I'm showing you what's been marked
 24 as Scott deposition Exhibit 10, which is an
 25 August 6, 2008 e-mail from Betty Ellen to

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1 Scott 120
 2 you, John Houseman, and Amy Growick, Bob
 3 Marra and John Ziegler?
 4 A. Uh-huh.
 5 Q. And these are the a.m. news
 6 numbers from July. Why don't you tell me
 7 after you've had a chance to look at this.
 8 Would these have been the numbers
 9 from the July sweeps?
 10 A. Well, that's what it says here.
 11 Q. And that's what you understood it
 12 to be?
 13 A. Right.
 14 Q. And it showed that those numbers
 15 for the adult 18 to 49 category and the adult
 16 25 to 54 category, correct?
 17 A. Correct.
 18 Q. And in each instance, other than
 19 the initial one hour, the numbers dropped
 20 from 2007 to 2008, correct?
 21 A. Yes.
 22 Q. And at that time, as far as
 23 competitors were concerned in the New York
 24 market for morning news, there were a total
 25 of four stations?

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 212-213-5858

1 Scott 122
 2 actual text, where it says "needless to say,"
 3 and then it says "the numbers in the market
 4 are terrible," do you agree with that
 5 statement?
 6 A. Yes.
 7 Q. And did you agree with Betty
 8 Ellen's statement that, same paragraph, "we
 9 need to try and come up with some way to
 10 improve our numbers so that we can bring
 11 money to the station" or "more money to the
 12 station"?
 13 A. We're always trying to do the best
 14 shows we can.
 15 Q. Do you remember having -- I'll
 16 take that from you -- a meeting with Betty
 17 Ellen in November of 2008 where she talked to
 18 you about your job performance?
 19 A. No.
 20 Q. Do you recall Betty Ellen in 2008
 21 or any other time tell you that your job was
 22 in jeopardy?
 23 A. There was a -- an e-mail that she
 24 wrote that said all of our jobs were in
 25 jeopardy if the ratings, you know, didn't go

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 212-213-5858

1 Scott 123
 2 up.
 3 Q. Do you remember having a
 4 conversation with her where it was just the
 5 two of you --
 6 A. No.
 7 Q. -- and she told you your job was
 8 in jeopardy?
 9 A. No.
 10 Q. In the fall of 2008, did you
 11 believe that because of the poor ratings that
 12 your job was in jeopardy?
 13 A. No, because I know that what I did
 14 was do the best shows that I could put on
 15 with the resources I had, and that's what I
 16 did, and we got awards for them.
 17 I mean, we did very good work, and
 18 so I felt that I could not control the
 19 lead-ins, I could not control if we were
 20 going to get promotions. So this is what I
 21 felt, we were doing the best job we could.
 22 Q. So do you claim that the only
 23 reason for having poor ratings was because of
 24 the issues you've identified in your mind
 25 with respect to lead-ins and the lack of

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 212-213-5858

1 Scott 125
 2 the lack of resources was a decision that
 3 WPIX made because of your age?
 4 A. No.
 5 Q. Okay. Do you claim that the pay
 6 scale set at WPIX was in some way set because
 7 of your age?
 8 A. No.
 9 Q. Do you believe that during this
 10 time period that we've already talked about,
 11 2003 through 2008, that Betty Ellen wanted to
 12 see you succeed?
 13 A. I feel she did.
 14 Q. Okay. And that she supported you
 15 in trying to succeed, correct?
 16 A. Not -- no, she didn't, she didn't
 17 support us in the way that a general manager
 18 in any other station would, but giving the
 19 resources that we could use to do a better
 20 product, pay scale should be better, and
 21 promotions should have been there.
 22 Q. Do you agree with me that her job
 23 performance was based on you being successful
 24 or not?
 25 A. I don't understand that question.

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 212-213-5858

1 Scott 126

2 Q. Okay. Did you understand that her

3 job performance was judged in part on whether

4 or not the news department made money?

5 A. The news department focused on

6 putting on live shows, twice a day, that was

7 our focus. The best -- the show -- the best

8 things we can do with the resources we had,

9 and that's what we did, and we did work.

10 Q. That wasn't my question.

11 A. Okay. I didn't understand.

12 Q. The question was, did you

13 understand that her job performance was

14 judged upon the success of the news

15 department at WPIX?

16 A. We were one of the departments, so

17 I assume that that was true.

18 Q. So that if there was poor

19 performance in the news department, that was

20 a negative reflection on her job performance,

21 right?

22 A. Yes.

23 MR. CERASIA: Can you mark this as

24 ten, please.

25 (November 3, 2008 E-mail was

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1 Scott 127

2 marked as Scott Exhibit 11, for

3 identification, as of this date.)

4 MR. CERASIA: And I'm sorry. I've

5 got to take a break to go to the

6 restroom.

7 THE VIDEOGRAPHER: Stand by,

8 please. The time is 1:30. We're going

9 off the record.

10 (Pause.)

11 THE VIDEOGRAPHER: Stand by,

12 please. The time is 1:42. We are back

13 on the record, you may continue.

14 Q. Have you had a chance to look at

15 Exhibit 11?

16 A. Yes.

17 Q. Okay. This is a November 3 e-mail

18 from Betty Ellen to you and to Maureen Lark

19 -- or Noreen Lark, sorry. Who is Noreen

20 Lark?

21 A. She is a -- she was the producer

22 for the weekend.

23 Q. And this was the weekend evening

24 news, correct?

25 A. Yes.

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1 Scott 128

2 Q. In this e-mail, shows based on the

3 rating numbers, that there was what is known

4 as a tune out during the show, correct?

5 A. Well, I don't remember, but

6 because it's -- but if this is what she said,

7 I'm sure it is what happened.

8 Q. Okay. So if these numbers were

9 correct, it does show a tune out, correct?

10 A. Right, right.

11 Q. And a tune out means that people

12 started watching, but by the end of the show,

13 there was nobody watching who had a Nielsen

14 box in their home, correct?

15 A. Right.

16 Q. And would you agree with me that

17 if you start watching a show and you have a

18 complete tune out, that that has nothing to

19 do with your lead-in programming?

20 A. I don't agree with that.

21 Q. Why?

22 A. The lead-in is the lead-in, and if

23 you don't -- you don't have promotion that

24 tells that you --

25 Q. I'm asking you about lead-in.

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212-213-5858

1 Scott 129

2 A. Well, then say it again.

3 Q. Isn't it true that if you had

4 people who started watching the show and you

5 got to the point where there was a complete

6 tune out, that the lead-in had no impact on

7 that?

8 A. The lead-in had no impact on what?

9 Q. On the tuning out.

10 A. The lead-in, the lead-in doesn't

11 have an impact on the tune out. I don't

12 understand what you're saying.

13 Q. Okay. Well, you've got 200

14 households who start reading -- who start

15 watching the news show at 10:00 p.m.?

16 A. Correct. Yes, yes.

17 Q. All right. By the time you get to

18 10:35, you've got zero. If you're starting

19 with 200 and you get to zero, the starting

20 point was the starting point at the end of

21 the lead-in, correct?

22 A. Right.

23 Q. Well, they're there, they just

24 fall off.

25 A. Right.

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1 Scott 130

2 Q. What --

3 A. They go to --

4 Q. What way do you claim that the

5 lead-in would impact the fallout so that

6 there would be a tune out? There already

7 there, right, so the lead-in got you to a

8 certain point --

9 A. Right.

10 Q. -- once the news starts, it's the

11 responsibility of the news department to keep

12 those people there, correct?

13 A. Yes.

14 Q. And with these examples, these

15 numbers, the people were there, but by the

16 time they got just a little bit past mid

17 point of the show, they left. Do you claim

18 that's the fault of poor lead-in programming?

19 A. No, but they could have -- they

20 could have left for a lot of reasons. At --

21 it's -- at 10:00, maybe they got all the news

22 they wanted, and maybe they want to bed. I

23 mean, don't know what happened there.

24 Q. But you understand that revenue

25 gets generated off of ad sales relating to

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1 Scott 131

2 these numbers, correct?

3 A. Right.

4 Q. So that if you have a zero as your

5 rating, you don't have a product to sell to

6 advertisers, right?

7 A. Right, but I also say that we

8 definitely did not have any promotion for

9 this, for this at all, and right now, when

10 you -- when you talk to me about the ratings

11 months, when they are -- you know, July,

12 November, this was November, right, November,

13 everything and their mother is thrown at --

14 is thrown up against the wall to it, and all

15 the other stations, to get credible

16 promotions through this -- and we had

17 nothing, so we -- we even suffered more on

18 the months that -- that we were in ratings

19 because we didn't -- we didn't get any

20 promotions, we didn't get anything extra that

21 we could do, that we could work with at that

22 time, whereas all the stations in town,

23 including Fox and all the other four

24 stations, they had promotions all over the

25 place, on cable, they had promotions all over

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1 Scott 132

2 the place and on buses, on subways, on

3 billboards. We had nothing.

4 Q. But don't you agree that with

5 respect to these numbers that show a tune out

6 by the midpoint, that at some point these

7 numbers suggest that some people didn't like

8 the news show?

9 A. Well, this was an hour news show,

10 just like during the week. We had a very --

11 we had a very slim crew, we had two camera

12 people, two reporters, and it was downsized,

13 and it was an hour show, that's a lot in TV,

14 and we just didn't have the support. I asked

15 several times to get another -- to get

16 another reporter on, I -- we never got any of

17 that.

18 Q. Did you have the same sized crew

19 for the weekend news pretty much throughout

20 the whole time that you were the news

21 director?

22 A. Yes.

23 Q. Do you claim that Betty Ellen

24 Berlamino did not give you promotional

25 support because of your age?

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1 Scott 133

2 A. No.

3 Q. Do you agree with me that it's

4 troubling to see from a point of view of

5 trying to build revenue within the news

6 department to see that there was a tune out

7 both on a Saturday and Sunday?

8 A. Yes, yes.

9 Q. You can give me Exhibit 11 back,

10 thanks.

11 MR. CERASIA: Mark as 12, please.

12 (November 19, 2008 E-mail was

13 marked as Scott Exhibit 12, for

14 identification, as of this date.)

15 Q. I'm handing you what's marked as

16 Exhibit 12, which is a November 19th e-mail

17 from Betty Ellen to you, bearing Bates number

18 WPIX 175. Just tell me after you've had a

19 chance to read this.

20 This e-mail was about Tim

21 Armstrong?

22 A. Yes.

23 Q. Did you and Betty Ellen have

24 discussions about Tim's job performance?

25 A. Yes.

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Scott 135

Q. Was the news executive producer also responsible for checking facts in the work of the writers of those stories ultimately?

A. A lot of elements go into that. It all depends. We have a managing editor. But the EP of the show is responsible for -- for what they do.

Q. Well, is it fair to say then that the EP of the show is one of the most key roles in the newsroom in determining the success of a news program?

A. Yes.

Q. So this is a pretty important person as part of your team, right?

A. Yes.

Q. And he has, he meaning Tim, he had some responsibility for the news ratings as well, right?

A. But we all -- well, yes. I mean, yes.

Q. The reality is, you relied on him to produce your news shows, correct?

A. Yes, but he had -- he had -- yes,

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Scott 136

yes.

Q. And that if he did a poor job doing that, that was a negative reflection on your job performance, correct?

A. Yes.

MR. CERASIA: Mark this as 13, right?

(November 20, 2005 E-mail was marked as Scott Exhibit 13, for identification, as of this date.)

Q. I'm showing you what's been marked as Exhibit 13, is a November 20th e-mail from Betty Ellen to you, the subject is "late news." Tell me after you've had a chance to look at that. You had a chance to look at that?

A. Yes.

Q. Okay. This is another example of you, you meaning WPIX, beating out WOR in its lead-in, right, at least for this month, 1.3 to 1.1, correct?

A. Uh-huh.

Q. And despite that beating out WOR in the lead-in, they were almost three times

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Scott 137

stronger than you in the ratings in the A 25 through adult age 54 category for that news program on November 19th, right?

A. Right.

Q. And Betty Ellen again told you that you have to think about changing your hours in the short term so that you can provide some guidance to the late news staff, right?

A. I provide some -- I was 24/7, I was available, I wasn't -- I rolled up my cuffs, I did everything that I needed to do, I was always available to them. I worked anywhere from 12 to 13 hours a day, and then when I was home, I was constantly on contact with them on my Blackberry or, you know, my phone, and I lived ten minutes away, and I, several times, I came down whenever I needed to be.

Q. But her suggestion to you was more about being actually present in the station during the evening news, correct?

A. Right, and I was during the sweeps.

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Scott 138

Q. And she addresses again the last sentence says, "I would also like to discuss e-mail sent yesterday," which is the e-mail we just looked at, "a new EP for the show," so she wanted to move Tim out, right?

A. Yes, she did, and I think it was because, one of the reasons is that everyone makes a few mistakes, but as far as Tim was concerned, he was a seasoned veteran, he was an EP at WCBS, he worked at WNBC. When -- when we were looking for a new EP, our budget wasn't -- we always were looking for someone that came in at a lower income. If I -- I'm -- I'm not guessing, but I don't know exactly, I forgot what we gave them, but it was, like, very low, it was, like, 130,000, maybe, it was somewhere around that area. Normal EPs get anywhere from 175 and up to 200, something like that, in that ballpark, but because of our restraints on the budget, we found Tim, and Tim used to work at channel 11 as an intern, and he knew John Houseman and he knew all the people, and then he also had network experience, so I thought, wow, I

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1 Scott 140
2 Q. It's just your belief?
3 A. My belief.
4 Q. Okay. And Tim eventually was let
5 go?
6 A. Yes, he was.
7 Q. And you agreed with that decision,
8 right?
9 A. No.
10 Q. Not at all?
11 A. No.
12 Q. You protested it?
13 A. Well, I wasn't very happy about it
14 because it took so long to get another EP and
15 because I knew my limitations, money-wise, I
16 felt that it was hard to get another one as
17 good as he was.
18 Q. Right. Well, in November of 2008,
19 she wanted to get rid of him, right?
20 A. Right.
21 Q. But she didn't, did she?
22 A. I don't remember the sequence.
23 Q. In fact, he wasn't let go until --
24 A. '09.
25 Q. Late November, or excuse me, late

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1 Scott 141
2 April of 2009?
3 A. Right.
4 Q. And shortly after he was let go,
5 you brought in Will Surratt?
6 A. Right.
7 Q. So it didn't take you long to find
8 a new EP, right?
9 A. Well, he was the only one
10 available, but I mean, there was no one that
11 could fit the bill.
12 Q. But it didn't take you long to
13 fill Tim's slot with Will?
14 A. But when did Tim?
15 Q. The end of April of '09.
16 A. '09, that sounds right, and then
17 we got -- yes.
18 Q. So it was a very short time lag
19 before Tim going and Will starting?
20 A. Well, the only reason it was a
21 short time lag was that because we did -- we
22 did pay Will Surratt a larger salary to come,
23 which I never thought that would happen.
24 Q. But the fact that he was paid a
25 larger salary shows that Betty Ellen

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212-213-5858

1 Scott 143
2 not to let Tim go?
3 A. Well, obviously, I wasn't
4 successful because she did.
5 Q. No, no, but in the interim period,
6 he stayed on. Let me step back. You've got
7 this e-mail in front of you. It's pretty
8 clear to you then that she wanted Tim to be
9 exited, right?
10 A. Right.
11 Q. And you didn't?
12 A. Right.
13 Q. So do you think that you persuaded
14 her to keep him on?
15 A. For a while, maybe, for a while.
16 Q. She deferred to you?
17 A. Well, we first had to find someone
18 else, but, you know.
19 Q. Did you start looking right away
20 for somebody else?
21 A. Well, when the general manager
22 doesn't like someone, you better start
23 making sure that you may have someone in your
24 pocket, and I always am looking because we
25 have such a high turnover.

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1 Scott 144
2 Q. Do you claim that Betty Ellen got
3 rid of Tim Armstrong because of his age?
4 A. No, I think he -- I think he -- I
5 think what the -- the interest from -- from
6 Watkins was a big factor.
7 Q. Okay. But do you claim that Betty
8 Ellen got rid of Tim Armstrong because of his
9 age?
10 A. I don't think so.
11 MR. CERASIA: Can you mark that,
12 please, as 14. I'll take that from you,
13 please.
14 (December 1, 2008 E-mail was
15 marked as Scott Exhibit 14, for
16 identification, as of this date.)
17 Q. I'm going to show you what's been
18 marked as Exhibit 14, which is a December 1,
19 2008 e-mail between you, John Houseman and
20 Tim Armstrong, copy to John Ziegler, and
21 these are the demos in late news. Tell me
22 after you've had a chance to look at this.
23 A. Yes.
24 Q. Did you understand these to be the
25 November sweep numbers for the 10:00 p.m.

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212-213-5858

1 Scott 145
2 news?
3 A. His -- yeah, if the memo was
4 written on December 1, that would be after,
5 just after the November sweeps.
6 Q. And did you understand -- and let
7 me step back for a minute. At that time, for
8 10 p.m. news, there were only three stations
9 that ran a 10 p.m. news show, correct?
10 A. Right.
11 Q. So you were three out of three?
12 A. Yes.
13 Q. And did you understand the first
14 column of numbers to be for 2007 and the
15 second column of numbers for 2008. So that
16 for example, for WPIX, 1.2 was your rating in
17 2007 and then 0.7 was the rating in 2008 for
18 the November sweeps for each of those
19 respective years?
20 A. Okay. Yes.
21 Q. Okay. So should you had in the 25
22 to 54 adult demographic, you had a decrease
23 of 42 percent in the ratings year over year,
24 right?
25 A. Let's see --

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212-213-5858

1 Scott 146
2 Q. At least that's what those numbers
3 show, assuming the math is correct?
4 A. Right.
5 Q. And then in the 18 to 49
6 demographics, you had a negative 25 percent
7 change in the ratings, correct?
8 A. It's what it shows, yes.
9 Q. Would you agree that's a
10 devastating slide in the ratings from year to
11 area?
12 A. Well, once again, you're talking
13 about the November book, and that's where --
14 and that's where Fox and WOR at that time was
15 part of Fox, so they had the machine going
16 with the promotion, just like Fox 5 did.
17 It's basically, that's what's going on, and
18 we had nothing.
19 Q. Do you claim that WOR had a higher
20 lead-in than WPIX at the time?
21 A. I don't know what their lead-in
22 was at the time, I can't answer that.
23 Q. But did you generally understand
24 that WOR had a lower rating for the lead-in
25 than WPIX?

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212-213-5858

1 Scott 147
2 A. I usually assumed that they had a
3 higher lead-in, I'm not sure at time.
4 Q. Do you remember what that
5 assumption was based on?
6 A. No.
7 THE VIDEOGRAPHER: Stand by,
8 please. The time is 2:07. We're going
9 off the record. This concludes tape
10 number three.
11 (Pause.)
12 MR. CERASIA: Mark this, please.
13 (December 1, 2008 E-mail was
14 marked as Scott Exhibit 15, for
15 identification, as of this date.)
16 THE VIDEOGRAPHER: The time is
17 2:12. We are back on the record. This
18 is the beginning of tape number four.
19 You may continue.
20 Q. I'm showing you what's been marked
21 as Scott deposition Exhibit 15. It's another
22 December 1, 2008 e-mail from Betty Ellen to
23 you, John Houseman, Amy Growick, with a copy
24 to John Ziegler, and it's the morning news
25 demos for the adult age 25 to 54 category.

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212-213-5858

1 Scott 148
2 Tell me when you've had a chance to look at
3 that.
4 All right. Now, did you
5 understand these to be the November sweep
6 numbers for the morning show?
7 A. I don't remember, but I assume.
8 Q. Based on the date of it?
9 A. I assume, yes.
10 Q. You don't claim that these numbers
11 were what they are because of poor lead
12 programming, do you?
13 A. Well, definitely, as far as --
14 yeah, I mean, as far as say, the News At 10,
15 we still had the CW there.
16 Q. But this is the morning show.
17 A. Oh, excuse me, sorry. Well, our
18 lead-ins for the morning show changed,
19 changed from different things, like I said,
20 Betty Ellen had several -- several different
21 options to put in front of our morning show.
22 Q. But the lead-in program for the
23 morning show was a lot less relevant than it
24 was in your mind for the evening show,
25 correct?

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1 Scott 149
2 A. They were both very -- they were
3 both very serious, I mean, because if you --
4 if you get a good lead-in, no matter what it
5 is, the morning or the night, it really does
6 help.
7 Q. But isn't it -- wasn't it your
8 understanding that probably the vast majority
9 of your viewers were not folks who were
10 already up and watching television at 4:30
11 a.m. in the morning?
12 A. Well, you can't assume anything,
13 but I understand what you're saying.
14 Q. But wasn't that your assumption?
15 A. Say it again.
16 Q. Wasn't it your assumption when you
17 were the news director that you didn't have
18 people who were up before 4:30 watching
19 television waiting for the morning news show
20 to start?
21 A. I'd assume that.
22 Q. And you also don't have the same
23 issues with respect to the promotion for the
24 morning show, do you?
25 A. Yes, I do.

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1 Scott 151
2 ratings, were much higher and towards the top
3 compared to your competitors?
4 A. That's true.
5 Q. Would you agree with me that with
6 respect to these numbers, anyway, that are
7 shown here, assuming that they're accurate,
8 that this was a devastating slide?
9 A. Well, I've got to tell you this,
10 again.
11 Q. I'm not asking you for the
12 reasons. I'm just asking you if --
13 A. Well, let me say, you know, can I
14 finish my sentence?
15 Q. Sure.
16 A. Thank you. Again, this is a
17 November book. Again, our competitors throw
18 everything at a November book, that's one of
19 the big ones, and we never did.
20 Q. And with respect to the --
21 A. I mean, the morning -- the morning
22 show ads, and all over, just like in the
23 nighttime ads, billboards and subways and all
24 over the damn place.
25 Q. Do you claim that the lack of

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1 Scott 152
2 promotion for the morning show had anything
3 to do with your age?
4 A. No.
5 MR. CERASIA: Mark this as 16,
6 please.
7 (December 9, 2008 E-mail was
8 marked as Scott Exhibit 16, for
9 identification, as of this date.)
10 Q. I'm showing you what's been marked
11 as Scott Exhibit 16. It's a December 9, 2008
12 e-mail from Betty Ellen to you and John
13 Houseman. Tell me after you've had a chance
14 to look at that.
15 Do you know why it was that WPIX
16 was the only station that didn't have a
17 mayor's press conference on?
18 A. Yes.
19 Q. Why?
20 A. Betty Ellen, at times, interfered
21 in our gathering the news, and this is one of
22 the examples. I was downstairs getting
23 coffee, I remember this distinctly, Will
24 Ocasio was my managing editor, and while I
25 was gone in that ten minutes or whatever, a

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1 Scott 155
2 A. If I remember correctly, that's
3 what -- that's what Will said.
4 Q. Do you claim that Betty Ellen
5 wrote this to you and John Houseman because
6 of your age?
7 A. No.
8 MR. CERASIA: I'm just going to
9 mark that first, sorry, as 17, thank
10 you.
11 (December 29, 2008 E-mail was
12 marked as Scott Exhibit 17, for
13 identification, as of this date.)
14 Q. I'm showing you what's been marked
15 as Exhibit 17. It's an e-mail of December
16 29, 2008 to John Ziegler, you, John Houseman
17 and Prakash Goyal, is that how you say his
18 name?
19 A. Betty Ellen would know more than I
20 do.
21 Q. It says "better communication
22 between news and web." Just tell me when
23 you're done reading it.
24 Would you agree with this
25 statement in the second sentence that "the

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1 Scott 156
2 web is our extreme important second
3 channel/source of income*?
4 A. I wouldn't know the income that it
5 brought in, that's sales and that's Betty
6 Ellen, but the web is very important as a
7 secondary area that we have to work with.
8 Q. For delivering news?
9 A. Delivering news.
10 Q. As well as for making money?
11 A. Yes.
12 Q. And would you agree that in -- as
13 of December 29, 2008 that the news department
14 was not doing a good job of posting breaking
15 news on the web?
16 A. Well, I'm not sure if this is
17 exactly the date or anything, but as far as
18 posting, we were, we were -- we didn't have a
19 lot of people downstairs for different
20 shifts, so we had to double up, and everyone,
21 and I told everyone's responsibilities are
22 not just our television and our programs,
23 it's also the web, they knew that, and we --
24 we thought of it very seriously, it wasn't
25 anything, like, hey, the web. No, we really

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1 Scott 160
2 A. Yes.
3 Q. Who's Lolita Lopez?
4 A. She's -- she was our -- she was my
5 weekend sports person, and she was a sports
6 person, sports anchor, and three days a week,
7 a reporter.
8 Q. And then at a certain point, did
9 you make her the full-time sports anchor in
10 the beginning of 2009?
11 A. Yes, when Sal was let go.
12 Q. And you were involved in making
13 that decision to put Lolita in that spot?
14 A. Yes.
15 Q. And you thought she deserved it,
16 right?
17 A. Yes.
18 Q. Now, Lolita Lopez is somebody who
19 actually did the job of keeping up-to-date
20 with the web?
21 A. She's one of them that did that,
22 yes.
23 Q. She was very proactive with it?
24 A. Yes.
25 Q. She created something called "the

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1 Scott 161
2 huddle," right?
3 A. Yes.
4 Q. What's "the huddle"?
5 A. I don't remember now.
6 Q. Do you think she was a superstar?
7 A. Do I think that she was a
8 superstar, no.
9 Q. Do you think she was probably one
10 of the best at dealing with putting news on
11 the web and blogs, for example?
12 A. She was good, Kaity was very good.
13 Lolita was good. Jim did a good job. There
14 were a lot of people that did good jobs.
15 Q. But there were a lot of talent who
16 didn't even bother doing anything when it
17 came to blogging or website postings right?
18 A. Some didn't, some did, some were
19 more friendly to it than others. It was a --
20 it was an everyday experience, right.
21 Q. Right, but it was your
22 responsibility as the manager of that talent
23 to get those people to make postings to the
24 web, right?
25 A. And they did, a lot of them did.

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1 Scott 163
2 A. Right, right.
3 Q. Okay. And you had an expectation
4 that the talent that reported to you used the
5 internet to break news, right?
6 A. Right.
7 Q. And you expected them to use the
8 internet to communicate with an audience,
9 correct?
10 A. Right.
11 Q. And you expected them to use the
12 internet to build an audience, right?
13 A. Right.
14 Q. Okay. Because in fact, that would
15 be one way to use your word of promotion,
16 that would be one way to promote, at least,
17 their segment of the news, right?
18 A. Uh-huh.
19 Q. You have to verbalize your answer.
20 A. Yes.
21 Q. Okay. And for example, in the
22 sports area, Lolita did that, right?
23 A. She did that.
24 Q. And Sal did not do any of it,
25 right?

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1 Scott 164

2 A. I'm not sure now if he did that or

3 not at the time. It's been a while.

4 Q. Okay. But it was something that

5 you expected him to do?

6 A. Yes.

7 Q. And it's something that you told

8 him you wanted him to do, correct?

9 A. Everyone knew that we wanted to

10 have everyone get on the web.

11 Q. Okay. But isn't it true that you

12 specifically told Sal that he was expected to

13 utilize the internet for postings?

14 A. I think the person that would have

15 done that would probably have been John

16 Houseman, my associate, my assistant news

17 director.

18 Q. At your direction?

19 A. Everyone knew that they had to do

20 it.

21 Q. I understand you say that

22 everybody knew they had to do it.

23 A. Right.

24 Q. But it was your responsibility to

25 make sure that they did?

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1 Scott 165

2 A. Right.

3 Q. Okay. And just with respect to

4 Sal versus Lolita, he didn't do it, and she

5 did it, correct?

6 A. Yes.

7 Q. And that was a deficiency in Sal's

8 performance, right?

9 A. I wouldn't say it was a

10 deficiency. I would say that he had other

11 strengths via being a very well-known

12 broadcaster in the City, an icon.

13 Q. Would you agree with me that being

14 a television anchor, for example --

15 A. Yeah.

16 Q. -- from a station's point of view,

17 they look at their anchors, whether it's

18 sports or news or weather, it's kind of a

19 what have you done for me lately type of

20 business, correct, meaning that you're judged

21 on your performance today, not from

22 yesterday, right?

23 A. Yes.

24 Q. And that's because your

25 performance is judged every single day going

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1 Scott 168

2 Q. You never expressed that to

3 anybody?

4 A. No. He was the -- he was an

5 excellent broadcaster.

6 Q. And you never he told anybody that

7 you thought he was unprepared?

8 A. No.

9 Q. Did you ever tell anybody that

10 Lolita Lopez was unprepared?

11 A. No.

12 Q. Was she always prepared for her --

13 A. Yes.

14 Q. -- for her spots?

15 A. Yes.

16 Q. Right. Like Sal, were there other

17 talent that did not utilize the web?

18 A. I don't remember. Lots of them

19 do, but I don't remember.

20 Q. Did you ever take where -- did you

21 ever sit down with any of those people and

22 have any coaching or counseling sessions with

23 them because they weren't utilizing the web?

24 A. We all relied to people that they

25 needed to, you know, keep their eye out for

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1 Scott 175

2 MR. CERASIA: Whatever, I used the

3 wrong words.

4 Q. When Betty Ellen became your

5 manager in 2000.

6 A. Right.

7 Q. So the eight-year period from 2000

8 all the way up to the end of December 30,

9 2008, do you claim at any point in time that

10 Betty Ellen ever discriminated against you

11 because of your age?

12 A. Well, there was -- there was one

13 time that I -- I needed surgery on my leg,

14 and I was -- I went upstairs to her office

15 just to confirm that I'm going to be out for

16 a few days, and I was walking in, and I had

17 -- I wasn't walking properly, a little limp,

18 because I was going to have a procedure on

19 it, and as I'm walking into her office, she

20 says, you look like, you know, you're walking

21 like a grandmother, you look -- you look, you

22 know, she made a remark like that, and it

23 hurt me because I was -- I was trying so hard

24 to -- to disregard, you know, my leg, you

25 know, and just focus on the work and being at

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1 Scott 176
2 work, and that hurt, that really did.
3 Q. Do you claim she made that comment
4 to you because of your age?
5 A. I think so, because --
6 Q. Or because of the way you were
7 walking?
8 A. -- because I think she said
9 something like, you look like you're walking
10 like a grandma, or something like that.
11 Q. Do you know when that was?
12 A. That was, I would say that was the
13 event. I can tell you exactly because it was
14 the day before I went for my operation. It
15 was the 20 -- it was either the 25th, the end
16 of November 2000, the end -- the end of
17 November, oh, it was 2003, the end of
18 November.
19 Q. Okay. So November of 2003.
20 Do you claim that between 2000 and
21 December 30 of 2008, that Betty Ellen ever
22 made any decision with respect to your
23 employment because of your age?
24 A. What were the dates?
25 Q. 2000 to December 30, 2008.

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1 Scott 177
2 A. I don't know.
3 Q. Is there anything that would
4 refresh your memory or?
5 A. Ask me the question again.
6 Q. Sure.
7 Do you claim that there was any
8 decision that Betty Ellen made with respect
9 to your employment between 2000 and December
10 30, 2008 that you claim was based on your
11 age?
12 A. No.
13 Q. Okay. By the way, do you know a
14 woman named Myrna Ramirez?
15 A. Yes.
16 Q. And who's Myrna?
17 A. Myrna is the -- well, she was the
18 head of HR in the Tribune corporation in the
19 corporate headquarters in Chicago.
20 Q. For broadcast?
21 A. I don't know if it was just
22 broadcast or not. I don't know what her
23 titles are, but I mean, she was the head HR
24 person.
25 Q. And had you dealt with her in the

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1 Scott 178
2 past on HR issues?
3 A. Yes, yes.
4 Q. For how many years, approximately?
5 A. Well, I guess as long as I was
6 there, she was there that long, but I never
7 saw -- we didn't see each other much. She
8 would just come in periodically every year or
9 something, you know, but she basically stayed
10 unless there was a major situation at our
11 location. She talked to you if you needed
12 anything from the phone. That was it.
13 Q. Did you have a good working
14 relationship with her?
15 A. I feel like I did.
16 Q. Was there any, in your view, any
17 hostility or animosity between the two of
18 you?
19 A. No, I think she respected me, and
20 I respected her.
21 Q. Did she always treat you
22 professionally?
23 A. Yes, she did.
24 Q. In your dealings with her, she you
25 view her as someone who was fair to

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1 Scott 179
2 employees?
3 A. Yes.
4 Q. Did you feel that she was fair in
5 her dealings with you?
6 A. Well, up to the point where she
7 was sitting in the room when I was being
8 fired.
9 Q. Did she --
10 A. I didn't think that was fair.
11 Q. Well, did she say anything to you
12 then?
13 A. Yes.
14 Q. Okay. We'll get to that in a bit.
15 Do you claim that Myrna Ramirez
16 ever discriminated against you because of
17 your age?
18 A. No.
19 MR. CERASIA: Mark this as 19,
20 please.
21 (January 19, 2009 E-mail was
22 marked as Scott Exhibit 19, for
23 identification, as of this date.)
24 Q. I'm showing you what's been marked
25 as Exhibit 19, which is a January 19, 2009

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1 Scott 180
2 e-mail from Betty Ellen to you and others,
3 identified as WPIX 186.
4 Do you remember this e-mail?
5 A. I don't remember this e-mail, at
6 all.
7 Q. You have no reason to believe you
8 didn't receive it, do you?
9 A. No, if you said I did, but I don't
10 remember it at all.
11 Q. This was just yet another e-mail
12 from Betty Ellen saying that you had to merge
13 the news and web departments and postings,
14 right?
15 A. Hold on, please.
16 Q. Sure.
17 Did you have a chance to look at
18 that?
19 A. Yes.
20 Q. Again, this was just a emphasis on
21 the need to deal with all sorts of
22 multimedia, both on-air and the web, right?
23 A. Right.
24 Q. This was something that was very
25 important for the station, wasn't it?

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1 Scott 182
2 A. John always -- always was
3 performing.
4 MR. CERASIA: This is 20, please.
5 (April 1, 2009 E-mail was marked
6 as Scott Exhibit 20, for identification,
7 as of this date.)
8 Q. I'm showing you what's been marked
9 as Exhibit 20, which is an April 1, 2009
10 e-mail from Betty Ellen to you, John
11 Houseman, Tim Armstrong, copy to John
12 Ziegler. It says, the News At 10 March 2009
13 ratings. Before you finish reading, and
14 maybe you and I need to agree to something in
15 order for this e-mail to make sense, I think
16 the 2009 columns and 2008 columns are
17 reversed.
18 Would you agree with that, because
19 the e-mail says there was a 33 percent loss
20 in audience --
21 A. That's why I --
22 Q. -- if you compare '08 to '09, it
23 actually shows an increase.
24 MR. RUBINSTEIN: I think you have
25 to ask the author.

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1 Scott 183
2 Q. Do you know whether or not there
3 was a decrease?
4 A. I couldn't tell you.
5 Q. Well, do you think that in March
6 of 2009, that as a result of the February
7 sweeps that you actually increased over '08?
8 A. I don't remember. I don't
9 remember. What you said now, I don't
10 remember.
11 Q. Okay. Well, do you think that in
12 2009, compared to 2008, that in any sweep
13 month that you were there, February, May or
14 July, that you actually beat the 2008
15 numbers?
16 A. Are you asking me or telling me?
17 Q. I'm asking you.
18 A. I don't know, I really don't.
19 Q. Well, if you received this memo
20 and you thought that this showed an increase,
21 would you have responded to Betty Ellen and
22 said you'd made a mistake?
23 A. I'm sorry, I don't know what -- I
24 don't know -- I don't know what you're after.
25 I don't know what you're --

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1 Scott 184
2 Q. Okay.
3 A. -- asking me, please, I'm so
4 sorry.
5 Q. My point is that at the beginning
6 it says that we lost 33 percent of our
7 audience, but then if you look at the 208
8 numbers and compare them to 209, it makes it
9 looks like there was a gain of 33 percent.
10 It then says that anything below a one rating
11 is basically un-saleable, meaning you can't
12 sell it to advertisers, correct?
13 A. Correct.
14 Q. Those two statements don't make
15 sense.
16 A. Right.
17 Q. Unless the 2008 numbers and 2009
18 numbers are in the wrong column?
19 A. Okay.
20 Q. Do you agree with that?
21 A. I don't -- I don't agree with the
22 whole thing. I don't know what you're
23 saying, and I'm sorry.
24 Q. Okay. But as you sit here today,
25 you have no idea whether or not the sweeps in

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1 Scott 185
2 2009 beat the sweeps in 2008?
3 A. I don't remember.
4 MR. CERASIA: This is 21, please.
5 (April 2, 2009 E-mail was marked
6 as Scott Exhibit 21, for identification,
7 as of this date.)
8 Q. I'm showing you what's been marked
9 as Exhibit 21, which is an e-mail at the top
10 of April 2, 2009 from Betty Ellen to you
11 forwarding an e-mail from Jessica Belluci to
12 you, Karen, to Betty Ellen and to John
13 Houseman, and it is Bates numbered 197
14 through 229, and my question to you is,
15 whether or not you remember the instance
16 underlying this e-mail?
17 A. Yes, I do.
18 Q. And, essentially, what happened
19 was that there was an improv group that was
20 fairly well-known that did a spot about a
21 funeral, and it was actually an April Fool's
22 joke?
23 A. Yes, it was an April Fool's joke.
24 Q. And Tim Armstrong, and maybe
25 others in your department, never verified the

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1 Scott 186
2 facts to verify that it was an April Fool's
3 joke, right?
4 A. I don't know if they called anyone
5 or not, but this -- this is -- sometimes this
6 happens. I remember, not an improvisation --
7 well, I remember Allan Abel, I don't know if
8 any of you remember his name, but he would
9 put together jokes, like bits, certain
10 different ones. One was on, all the stations
11 fell for it, and, oh, it was about the
12 lottery, and he had a bunch of actors and
13 actresses in an apartment and he called
14 everyone up that they won the \$1,000,000 or
15 whatever it was, lotto, everyone went there,
16 and they had tickets brought up, and all of
17 us had egg in our face.
18 That was one time, I mean, at NBC
19 and CBS, ABC, and this -- this is one time,
20 and...
21 Q. But, to your knowledge, WPIX was
22 the only one who fell for this joke on April
23 Fool's, correct?
24 A. I don't have any knowledge of the
25 other stations. I know -- I heard about this

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1 Scott 187
2 afterwards, and I know that we did.
3 Q. Do you agree that Tim Armstrong
4 should have figured that out?
5 A. Well, it's not --
6 Q. Or somebody reporting to him?
7 A. There's several people along the
8 way that I had to talk to.
9 Q. Do you agree that it was
10 humiliating for the station?
11 A. Well, yes. I mean, but I didn't
12 -- I mean, it wasn't -- it's something that
13 happened, it doesn't happen normally, and it
14 was just one time even, but they should have
15 -- they should have looked at it and seen
16 what it is before they put it on the air.
17 Q. It was serious enough that Betty
18 Ellen told you that you had to contact Steve
19 Charlier, who was the senior vice president
20 of news operations, right?
21 A. Well, I don't remember that.
22 Q. That's what the e-mail says.
23 A. Well, I don't remember talking to
24 Charlier --
25 Q. But in fact --

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1 Scott 190
2 what happened so that he wouldn't be
3 blind-sided. Whether we had to go all the
4 way up to the top dogs, I don't know, that
5 was Betty Ellen's decision.
6 Q. But it was a negative reflection
7 on your news department, right?
8 A. Well, yes, but -- it was, it was,
9 but other people, you know, some people
10 wouldn't take it so seriously.
11 Q. All right.
12 A. I did, but.
13 Q. Do you believe it was a negative
14 reflection on Betty Ellen as the general
15 manager of WPIX?
16 A. Well, she thought that way.
17 Q. Do you agree?
18 A. Well, it would have been nice if
19 that didn't happen.
20 Q. And this was the same Tim
21 Armstrong that she had suggested to you
22 almost five months earlier that should be let
23 go, right?
24 A. Yes.
25 Q. And she listened to you over that

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1 Scott 191
2 time period and kept him on between at least
3 all of December right up to this time period
4 beginning of April, because you recommended
5 that he stick around, right?
6 A. At the time, I -- at the time,
7 there wasn't a lot of people wanting to come
8 over here to be an EP, over to Tribune.
9 Q. And shortly after this, Tim
10 Armstrong was let go from the station?
11 A. Yes, I don't know exactly what
12 date, but it was around that time.
13 Q. And you don't think that decision
14 was the right decision?
15 A. I thought that he was a strong EP,
16 for what he did every day, every night. His
17 writing was good, his execution of the shows
18 were good, I -- like I said before, I think
19 that the anchorman Jim Watkins disliked him
20 from the day he walked in the door and did
21 nothing but complain about him.
22 Q. But do you agree that after this
23 incident in April 1st of 2009, that it was
24 justifiable to terminate his employment?
25 A. I think he learned from this, and

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1 Scott 192
2 I didn't think we needed to let him go.
3 THE VIDEOGRAPHER: Five minutes
4 left on this tape.
5 MR. CERASIA: I'll take that
6 document. 22, please.
7 (April 24, 2009 E-mail was marked
8 as Scott Exhibit 22, for identification,
9 as of this date.)
10 Q. I'm showing you what's been marked
11 as Exhibit 22, which is an April 24, 2009
12 e-mail from Betty Ellen to you. The subject
13 is, "late news last night." Tell me after
14 you've had a chance to look at that.
15 A. Okay.
16 Q. Do you know what "CPP" means?
17 A. Not off the top of my head.
18 That's the sales lingo, I would assume.
19 Q. Have you ever heard of the term
20 "cost per point"?
21 A. Not really.
22 Q. Are you aware that advertisers pay
23 based on a per-point basis?
24 A. Well, yes.
25 Q. Tied to the ratings?

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1 Scott 194
2 they were instructing at the time their --
3 their next budget for the next year. They
4 even took ads, they took the budget for
5 television ads out of their -- out of their
6 -- out of their budget, and so for a couple
7 of years or more, I mean, television was --
8 was feeling the pain.
9 Q. But it also shows that using the
10 exact same lead-in that your sister stations
11 at KTLA scored a 1.5 compared to WPIX's 0.4,
12 and that WGN in Chicago delivered a 2.8
13 compared to a 0.4, right?
14 A. That's what it says.
15 Q. Right. So if that's the case,
16 then you can't blame the lead-in programming
17 for your low ranking or your low ratings, I
18 should say?
19 A. That's one of the attributing
20 factors.
21 MR. CERASIA: Okay.
22 THE VIDEOGRAPHER: Stand by,
23 please. The time is 3:11, we are going
24 off the record. This concludes tape
25 number four.

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1 Scott 196
2 there are checkmarks showing that only six of
3 them are either blogging or on Facebook. Do
4 you have any reason to believe that that is
5 not accurate?
6 A. I'm not sure. I know that -- I
7 know that Peter Thorn was always on the web.
8 Also, Arthur Chien, maybe at that moment,
9 they weren't that day. James Ford is another
10 person that always is on the internet. I
11 don't remember, you know, I don't remember if
12 this is right or not, what Betty Ellen's --
13 is a memo from Betty Ellen so, but.
14 Q. But this again was another thing
15 that, you know, following the pattern of many
16 months of sending e-mails to you -- to you
17 and those who report to you to stress the
18 need to get on the web, right?
19 A. Right, and many of them did, and
20 almost all of them did.
21 Q. Do you recall in the summer of
22 2009 that there were issues that came up
23 between Amy and Emily Frances?
24 A. Yes.
25 Q. Amy Growick and Emily Frances?

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1 Scott 198
2 So I talked again to them and
3 tried to cool it, and for whatever reasons,
4 she, Emily, went upstairs to Betty Ellen and
5 then Betty Ellen got involved, and there were
6 e-mails going back and forth, if I can
7 remember.
8 Q. But it was a situation that had
9 gone on for some time, some hostility between
10 the two of them or personality conflicts,
11 right?
12 A. Well, the problem was that Emily
13 never came -- it was very hard for Emily to
14 be on time. She was late to the show a lot
15 of times, and we, after a while, she realized
16 that she better wake up quickly, and so that
17 was a hostility because she wanted Emily, if
18 -- she wanted Emily to be on time, and that's
19 reasonable for an EP to want that.
20 Q. Right.
21 A. And a lot of times, Emily wasn't,
22 and so there was a hostility there and, we
23 did talk like adults, and it seemed that it
24 was going okay, but it boiled -- it boiled
25 over again that one time.

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212-213-5858

1 Scott 199
2 Q. And isn't it true that even though
3 Emily had been late on those many occasions,
4 she wasn't written up about it, right?
5 A. Well, I talked to her about it,
6 and it did cease. I mean, she did start
7 coming in earlier, but there was always a --
8 there was always a, something between the two
9 of them.
10 Q. But it goes back again, I guess to
11 what you testified to this morning, that it
12 was your management style to just speak to
13 people and not actually issue formal
14 write-ups to them for their deficiencies?
15 A. All right. And we had -- for a
16 New York newsroom, we had a very, very calm
17 newsroom. A lot of things happen in a New
18 York City newsroom because of the -- of the
19 intense things that we had to do and work on
20 and stories and deadlines and all that, but
21 there was very far and few between that
22 things happen.
23 Q. But do you agree that there was
24 unprofessionalism between Amy and Emily?
25 A. I would think so, yes.

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1 Scott 200
2 Q. And do you think that this had a
3 negative impact in some way on the morning
4 show?
5 A. Not -- I don't think it showed
6 on-air at all, but it wasn't right, and
7 that's why I handled it the way I did.
8 Q. Do you recall being criticized by
9 Betty Ellen with respect to the way you
10 handled it and how you let things fester for
11 too long?
12 A. I didn't lead -- let things fester
13 for too long. The minute something happened,
14 I sat down and talked to these people.
15 MR. CERASIA: Mark that as 24,
16 please.
17 (August 4, 2009 E-mail was marked
18 as Scott Exhibit 24, for identification,
19 as of this date.)
20 Q. I'm showing you what's been marked
21 as Exhibit 24, which is an August 4, 2009
22 e-mail from Betty Ellen to you, the subject
23 is "situation in the morning news." Tell me
24 after you've had a chance to look at that,
25 please.

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1 Scott 203
2 A. Right.
3 Q. Has very little time for anything
4 else, right?
5 A. Right.
6 Q. Okay. So wouldn't you agree that
7 if they're distracted in dealing with these
8 issues that Amy had to deal with respect to
9 Emily, that that detracts her from doing her
10 job duties as the EP for the morning show?
11 A. Well, usually, when something has
12 to be dealt with, it would always be dealt
13 with air comes first, and everyone knew it,
14 and we would deal with the problem after the
15 show.
16 Q. But it wasn't one isolated
17 incident, was it?
18 A. I don't remember right now.
19 Q. So for example, Amy had issues, as
20 did you, with respect to the way that Emily
21 Frances would show up to work, as far as her
22 clothing is concerned, right?
23 A. Clothing is concerned?
24 Q. She wore sheer blouses, for
25 example, right?

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212-213-5858

1 Scott 204

2 A. Yeah, well, she always had some

3 extra blouses in her locker, but sometimes

4 she wasn't the best dresser.

5 Q. She dressed inappropriate, too

6 many revealing outfits, and that's issues

7 that Amy would have had to address with her,

8 correct?

9 A. Yes, and I would.

10 Q. Okay. Right, I understand, and

11 Betty Ellen did too, correct?

12 A. Yes, she would call me and tell me

13 that she didn't like what Emily was wearing

14 or someone else was wearing, if she didn't

15 like it.

16 Q. But and then there were other

17 times that Amy had to talk to Emily because

18 she just didn't want to listen to her, she

19 was insubordinate in certain ways, correct?

20 A. At times.

21 Q. So this wasn't just one isolated

22 incident, this was something that was

23 somewhat of an ongoing issue between Amy and

24 Emily, right?

25 A. It -- I don't know for how long,

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212-213-5858

1 Scott 207

2 series of e-mails of August 4, 2009 between

3 you and Betty Ellen.

4 Why don't you tell me after you've

5 had a chance to look at this.

6 MR. CERASIA: Mark this, please.

7 (List was marked as Scott Exhibit

8 26, for identification, as of this

9 date.)

10 Q. Okay. The bottom e-mail deals

11 with the reporting to you of the July sweeps

12 for the morning show, right?

13 A. I'm looking now. It was August,

14 so it would be July, yes.

15 Q. And those were pretty dismal

16 numbers, right?

17 A. They weren't the best.

18 Q. Okay. In fact, the middle of the

19 page, the paragraph right under the set of

20 numbers, the second sentence said, "I thought

21 last year was going to be our rock bottom

22 year, but unfortunately, it continues to get

23 worse." Do you see that? Yes?

24 A. Yes, I do, sorry.

25 Q. And did you understand that the

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1 Scott 209

2 and continually analyze size and evaluate

3 your staff?

4 A. And I did just that.

5 Q. Right. And you have to figure out

6 whether or not you have the right people or

7 the wrong people, correct?

8 A. Well, this has always been --

9 Q. No, I'm just asking what she said.

10 Don't -- I didn't ask for a reason. I just

11 asked a question. Didn't she tell you that

12 you had to evaluate your staff to figure out

13 if you had the right people or the wrong

14 people?

15 A. Yes.

16 Q. And didn't she tell you over the

17 years and we saw e-mails at least over the

18 last year plus from 2008 to now, 2009, that

19 you need to analyze, you and others need to

20 analyze Facebook, Twitter and other available

21 interactive means of getting out the news to

22 the viewers, correct?

23 A. Correct.

24 Q. And all of that was designed to

25 increase the number of viewers on the

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1 Scott 210

2 station, which increases your ratings, right,

3 yes?

4 A. Yes.

5 Q. So that wasn't anything that was

6 new to you, her telling you this, right?

7 A. Yes, right.

8 Q. Okay. And then she asked you for

9 an analysis because the last sentence says,

10 "these numbers are unacceptable and need to

11 be turned around immediately." Did you agree

12 that the numbers were unacceptable?

13 A. I would like them to be higher,

14 but once again, we didn't have any promotion

15 on the morning show, we did get someone that

16 was a part-timer that helped us on the

17 website, we did a lot of content -- contests,

18 especially during the sweeps, which would

19 have been July, and we always put it on the

20 web, and we always tried to bring people

21 over, back and forth, from the television to

22 the website, and we did everything we could

23 with the staff that was not up to speed as we

24 wanted it to be because we had to get young

25 people out of college and train them up, and

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1 Scott 211
2 that's, especially on the morning show, and
3 that's what we had to do, and it was a long
4 road, but it was very successful too because
5 they learned quickly, but it wasn't like
6 bringing in people that were seasoned like
7 other places.
8 Q. And you also agree that that time
9 that you needed to turn around these numbers
10 immediately, right?
11 A. Yeah.
12 Q. Let me talk that from you, and
13 I'll give you exhibit -- oh, you know what,
14 keep this next to you.
15 You wrote back saying, "we will
16 look at everything we do on the show and make
17 changes where we can," right?
18 A. Yes.
19 Q. She then said to you she wanted
20 your full analysis and strategic visions on
21 your plans moving forward. I would like this
22 by the end of the week, and you say, "will
23 do."
24 Exhibit 26, is that the document
25 that you presented to her in August of 2009

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1 Scott 212
2 in response to this e-mail, did you prepare
3 exhibit 26?
4 A. Yes.
5 Q. And did you prepare it in response
6 to the August 4th e-mail?
7 A. I'm trying to remember. I know I
8 wrote this, I'm -- sure, yes.
9 Q. Okay. Now, there's some
10 handwriting on there and circles and
11 asterisks and question marks. Do you know if
12 that's your handwriting on pages one and two?
13 A. I don't think so, but I'm not
14 sure. I don't think that looks like my
15 handwriting.
16 Q. Okay. The fourth entry down,
17 Larry Hoff?
18 A. Right.
19 Q. It says, "his contract expires
20 12/31/09"?
21 A. Right.
22 Q. "Let him go now and pay out his
23 contract." That was your recommendation to
24 Karen, correct?
25 A. I'm Karen.

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1 Scott 213
2 Q. I'm sorry, thank you. That was
3 your recommendation to Betty Ellen?
4 A. It was what Betty Ellen wanted.
5 Q. Did she tell you to write that?
6 A. Well, since the day that he walked
7 -- she walked in the door, she did not like
8 Larry Hoff, she just didn't like him, she
9 thought that he was too old for doing the
10 type of job that he was doing, and he -- she
11 almost -- if it wasn't daily, it was pretty
12 close to it. She would always have the time
13 to call me up and tell me how she didn't like
14 Larry doing what he was doing.
15 Now, Larry Hoff, our research
16 showed that Larry Hoff was one of the most,
17 number one recognizable feature reporter,
18 stunt reporter in the City. He was very well
19 known at Fox 5, and we got him to come over
20 to the morning show, and when I knew that I
21 was building a morning show and I didn't have
22 that many resources, when I found out that
23 Larry Hoff's contract was up, I grabbed him,
24 and it was a real coo for us and a real hit
25 for Good Day New York, our competitor. Larry

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1 Scott 215
2 other, and she got him.
3 Q. Now, when do you claim that you
4 hired Larry?
5 A. Larry was hired as one of the
6 original staffers for the morning show when
7 it started, so that would be --
8 Q. 2001?
9 A. 2001.
10 Q. And Betty Ellen would have had to
11 approve that hire, correct? She was there
12 when the morning show was launched as the
13 general manager?
14 A. I would have, you know what, I'm
15 not sure. I just -- I don't know. Paul
16 Bissonette was the general manager when --
17 when the morning show was launched. Correct
18 me -- ask her to correct me if I'm wrong.
19 Q. Well, was his contract renewed at
20 any point while Betty Ellen was the general
21 manager?
22 A. Yes.
23 Q. What, every two years?
24 A. I think it started with -- I think
25 he had two-year contracts, I think so. Maybe

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1 Scott 216
 2 three, at some point.
 3 Q. So she probably would have been
 4 around to approve of and renewing at least
 5 two or three of his contracts, correct?
 6 A. Correct.
 7 Q. Do you claim that in any point in
 8 August of 2009 that Betty Ellen told you that
 9 the station should let Larry go?
 10 A. Yes, I mean, she always was
 11 telling me that. She was always telling me
 12 that.
 13 Q. At any point after August 4th of
 14 2009, when you got this e-mail, do you claim
 15 that you had a conversation with her where
 16 she told you that you should let go Larry
 17 Hoff?
 18 A. I'm sure, because she was doing
 19 it, like, every time she called me in the
 20 morning after seeing the morning show, she
 21 always mentioned Larry Hoff and how she
 22 didn't like him, so yes, the answer is yes.
 23 Q. Do you know when in August of 2009
 24 you claimed she said this to you?
 25 A. It was almost like a daily basis.

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1 Scott 217
 2 So I just -- I don't know the exact date, but
 3 I'm sure if -- if once this memo came out,
 4 and we had to do what we had to do, she
 5 didn't want him there.
 6 Q. And you used the words "too old."
 7 Do you claim that she actually said he was
 8 quote too old?
 9 A. Yes.
 10 Q. When do you claim she said that?
 11 A. She said he was too old to do what
 12 he was doing, and he's repetitious, and he's
 13 old, and I think that he's not good, and I
 14 just don't want to renew him.
 15 Q. When do you claim she said that?
 16 A. She said it -- she said it all the
 17 time about Larry. She didn't like him, she
 18 said he was old and she didn't want him as a
 19 future reporter.
 20 Q. Okay. When is the first time that
 21 you claim she said he was too old?
 22 A. It was an ongoing -- it was an
 23 ongoing thing talking about Larry Hoff. She
 24 didn't like him, she thought he was too old.
 25 He was 58 years old, and she wanted him out.

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1 Scott 218
 2 Q. When is the first you claim she
 3 said that he was quote too old?
 4 A. She, I guess, maybe from -- it was
 5 out whole period that he was there. I mean,
 6 she just didn't like him.
 7 Q. So starting in 2001?
 8 A. I don't know exactly. By 2002, I
 9 guess, or 2001, I guess, if that's when --
 10 she didn't like him at all.
 11 Q. So despite the fact that you claim
 12 she said in either 2001 or 2002 that he was
 13 too old, she actually renewed his contract at
 14 least two or three times?
 15 A. I always fought for him.
 16 Q. But she did renew it, correct?
 17 A. Yes.
 18 Q. Did you ever tell anybody in the
 19 human resources department that you claimed
 20 Betty Ellen told you that Larry Hoff was too
 21 old?
 22 A. No.
 23 Q. Did you ever tell anyone at
 24 Tribune management that Betty Ellen had said
 25 that Larry Hoff was too old?

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1 Scott 220
 2 says wow, and I said -- and she said, well,
 3 let me handle it from here, and I said okay.
 4 Q. By the way, the conversation where
 5 you claim in 2001 and 2002 that Betty Ellen
 6 said that Larry Hoff was too old, was there
 7 anybody present other than the two of you?
 8 A. No, I, no, I just talked directly
 9 to Betty Ellen. That was -- to me, that was
 10 confidential stuff.
 11 Q. When's the last time that you
 12 claimed Betty Ellen said Larry Hoff was too
 13 old?
 14 A. She was doing that throughout the
 15 years. I can't think of it.
 16 Q. When is the last time?
 17 A. The last time was right before we
 18 did this.
 19 Q. Right before we did what?
 20 A. Right before we talked about this
 21 document.
 22 Q. Exhibit 25?
 23 A. Yeah.
 24 Q. So --
 25 A. This was around that time. I

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1 Scott 221
2 don't remember the time, but it was around
3 this time, it was reaction because now
4 finally, she wanted to -- she said we
5 definitely are -- we're not going to renew
6 him at all.
7 Q. Before you presented Exhibit 26 to
8 you, you claim that she raised the issue of
9 getting rid of Larry Hoff because he's too
10 old?
11 A. Say that again.
12 Q. Do you claim that before you gave
13 her Exhibit 26 that she said to you, some
14 point in August of 2009, that we had to get
15 rid of Larry Hoff because he's too old?
16 A. Yes.
17 Q. And you don't know when?
18 A. I don't remember the day.
19 Q. So is it your testimony that the
20 only reason you included Larry Hoff here is
21 because you believe or you claim that Betty
22 Ellen told you that you had to not renew his
23 contract because he was too old?
24 A. Yes.
25 Q. And you never told anybody in HR

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1 Scott 222
2 that she'd said that?
3 A. Well, no, because Betty Ellen is
4 my general manager, I'm not going to go
5 behind her back and gossip about her, I'm not
6 that type of person, and I'm sure, as a
7 general manager, she definitely would have to
8 work with the HR people, so definitely she
9 had, and they all knew that all this was
10 coming down. I'm just surmising it, I wasn't
11 included in it, and they're the ones that
12 reached out to me.
13 Q. Before your termination, do you
14 know whether or not Larry Hoff was ever told
15 his contract would not be renewed?
16 A. I don't remember.
17 Q. Well, you never told him, did you?
18 A. When Betty Ellen gave the -- when
19 Betty Ellen said we are not renewing, I don't
20 -- I don't know the sequence right now, but
21 in any case, when Betty Ellen said, we are
22 not renewing someone because we either are or
23 not in every -- in every contract, we,
24 depending on who the person is, we had either
25 90-day windows or 60-day windows to tell

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1 Scott 227
2 Q. In her office?
3 A. Well, no, she just said, she'd
4 like to she, so I just thought, I mean, and I
5 shouldn't have -- I didn't think anything of
6 it because I went up there often, and I know
7 where she is, so I assumed it was the office.
8 Q. Well, did you meet with her in her
9 office then on August 26, 2009?
10 A. No.
11 Q. Where did you meet with her?
12 A. When I got up there, her assistant
13 Liz said Betty Ellen is in the executive
14 conference room, and which is right next to
15 -- right next to her offices, and I said oh,
16 okay, and I opened the door, and I see Betty
17 Ellen sitting at the end of the table, and I
18 saw Myrna sitting to her left. I was
19 surprised to see Myrna.
20 Q. Was there anyone else other than
21 the two of them?
22 A. No, that was it.
23 Q. How long did the meeting last?
24 A. Oh, I don't know. Boy, I don't
25 remember now, maybe a little over an hour,

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1 Scott 228
2 could have been an hour and a half.
3 Q. Do you remember what -- who spoke,
4 Betty Ellen, Myrna, both?
5 A. I walked in, and sat down and
6 Betty Ellen spoke.
7 Q. What is it that you recall her
8 saying?
9 A. Betty Ellen said to me, Karen, and
10 she was looking down a lot of the time, she
11 seemed very nervous. She said Karen, we're
12 firing you, and I said -- and I was shocked,
13 and I said, why are you firing me, and she
14 said because of the ratings, and that's what
15 she said.
16 Q. Anything else you remember her
17 saying?
18 A. Well, I said, you know, let me
19 tell you what I said, and then she said it
20 back. I said, when I caught my breath, I
21 said -- I said, the ratings, I said, everyone
22 knows that every general manager in town has
23 been fighting with Nielsen over the ratings
24 and how they're not representing our true
25 audiences, and, I mean, and I mean, Betty

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1 Scott 232
2 document, itself, said for you to get a
3 lawyer?
4 A. I don't remember, I don't
5 remember.
6 Q. Okay. We can get that document
7 and show it to you, but it was, a, as you
8 said, it was a separation agreement that they
9 told you to take home and look at, correct?
10 A. And look at, right.
11 Q. Did Betty Ellen, when she started
12 off that meeting, tell you that this was as a
13 very difficult conversation for her to have
14 with you, do you remember that?
15 A. No, I don't.
16 Q. Okay. Up to that point, did you
17 think you had a good working relationship
18 with Betty Ellen?
19 A. I thought so.
20 Q. Right. Was there, in your mind,
21 any hostility or animosity between the two of
22 you?
23 A. I didn't think so.
24 Q. Do you think that she always
25 treated you professionally?

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1 Scott 233
2 A. Well, her memos were so furious, I
3 mean, it came so fast and quickly, and they
4 were -- they seemed very hostile to a lot of
5 us.
6 Q. Not just you, to everybody?
7 A. Uh-huh.
8 Q. So you believe it was her demeanor
9 towards people other than yourself, right?
10 A. I don't know how she treated other
11 people.
12 Q. Well, you just said me and others.
13 A. Well, I'm sorry, I misspoke then.
14 I'm sorry. I don't know, I wouldn't know how
15 she treated other people.
16 Q. Do you think she was under a lot
17 of pressure from senior leadership to produce
18 profit from the news department at WPIX?
19 A. I -- I don't know, I wasn't in any
20 of those meetings. I -- everyone wanted to
21 produce as much as they could.
22 Q. Did she ever tell you that it was
23 her tail on the line as well if the news
24 department didn't produce a profit?
25 A. Once in an e-mail that she sent it

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1 Scott 234
2 to everyone, like.
3 Q. Do you claim that Betty Ellen ever
4 made any comment to you about your age, other
5 than what you believed to be the comment
6 about you walking like a grandmother or
7 something to that effect?
8 A. I don't remember right now.
9 Q. Did you consider yourself to be,
10 the two of you to be, you know, professional
11 friends, friends at work?
12 A. No, she was my boss.
13 Q. But you were people's boss, you
14 considered them to be your professional
15 friends, right?
16 A. Well, because you -- you recognize
17 the authority, and you work that way.
18 Q. Do you know who made the decision
19 to terminate your employment at WPIX?
20 A. Betty Ellen.
21 Q. How do you know that?
22 A. Because she fired me.
23 Q. Because she was the one that
24 communicated it to you, is that what you
25 mean?

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1 Scott 235
2 A. Well, she sent all those e-mails,
3 and she fired me.
4 Q. And you claim that in this lawsuit
5 you claim that she fired you because of your
6 age?
7 A. Yes.
8 Q. And as you sit here today, what
9 facts do you have to suggest to you that she
10 fired you because of your age?
11 A. Well, first of all, my performance
12 didn't warrant my -- didn't warrant me to be
13 fired, number two, all of the age-related --
14 age-related comments she made over older
15 employees, and then all the older employees,
16 she finally, one by one, either demoted or
17 fired them or didn't renew their contracts.
18 Q. All of them?
19 A. I said, the ones that, yeah, all,
20 all of them that I know about.
21 Q. And who was that?
22 A. Well, okay, okay. Let's start
23 from the beginning --
24 Q. Okay. Before I ask you that, I'm
25 sorry. Anything else, you identified you

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1 Scott 236
2 didn't think your performance warranted you
3 being fired, you claim that she made comments
4 about age of others?
5 A. Right.
6 Q. And that the contracts of older
7 employees were not renewed?
8 A. Right.
9 Q. Any other facts you claim support
10 your contention that she fired you because of
11 your age?
12 A. Well, no, but as far as what she
13 did when she did that, she basically threw
14 away my entire career. I have not been able
15 to get a job in almost two years, I have no
16 salary, no paycheck.
17 THE VIDEOGRAPHER: You have about
18 three minutes left.
19 MR. CERASIA: Okay.
20 Q. Any other facts that you believe?
21 A. Well, I turned 60 years old on
22 [REDACTED], 2009, and I was fired on August 26,
23 2009, and that was it.
24 Q. When was the last time your
25 contract was renewed?

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1 Scott 237
2 A. I didn't have a contract.
3 Q. You didn't have a contract?
4 A. No.
5 Q. You were an at will employee with
6 no term?
7 A. I had contracts there for when I
8 was under Michael Eigner, for several years,
9 and then it was Paul Bissonette. I did not
10 have a contract with her.
11 Q. Okay. With respect to other
12 employees that you said were older employees
13 were not renewed, who are those people?
14 MR. RUBINSTEIN: I'm sorry?
15 MR. CERASIA: The older employees
16 that she claimed their contracts were
17 not renewed.
18 A. Okay. Let me go down in order so
19 I can remember them. It was Barry
20 Cunningham, he was --
21 Q. Just give me the names for now.
22 A. Okay. Barry Cunningham, Sal
23 Marciano, Barry Cunningham, Sal Marciano,
24 Larry Hoff.
25 Q. Anyone else?

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1 Scott 238
2 A. Well, then the others were Janet
3 Maslow, she was my business manager, she had
4 been there for 45 years, 40-something years,
5 she was. I think, 63 years old.
6 Q. And what happened to her?
7 A. I got a call one day from Betty
8 Ellen saying that they were letting Janet
9 Maslow go, she worked there for over 40
10 years.
11 Q. Was she replaced?
12 A. No.
13 Q. So it was a job elimination?
14 A. I don't know what they would call
15 it. All I know is that she did an incredible
16 amount of work, and then they had my
17 assistant, my secretary, they piled a lot of
18 that work on her.
19 Q. Anybody else other than Barry,
20 Sal, Hoff, Janet Maslow?
21 A. And there were two -- two
22 reporters, that Marvin Scott, he -- Marvin
23 Scott was, like, the face of WPIX.
24 MR. RUBINSTEIN: Just give the
25 names.

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1 Scott 239
2 Q. Yeah, just give me the names
3 because we're running short on the tape.
4 A. Okay, names. Marvin Scott.
5 Q. Anyone else?
6 A. Mary Murphy, demoted.
7 Q. Marvin Scott's contract was
8 renewed though, right?
9 A. Yes.
10 Q. Okay. Anyone else?
11 A. How many are there, how many did I
12 give you?
13 Q. Cunningham, Marciano, Hoff, Marvin
14 Scott, Mary Murphy, Janet Maslow.
15 A. Six, yeah, that's it. That's all
16 that I can think of right now.
17 THE VIDEOGRAPHER: Stand by,
18 please. The time is 4:23. We are going
19 off the record. This concludes tape
20 number five.
21 (Pause.)
22 THE VIDEOGRAPHER: The time is
23 4:26. We are back on the record. This
24 is the beginning of tape number six.
25 You may continue.

PIROZZI & HILLMAN
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1 Scott 241
 2 of their age?
 3 MR. RUBINSTEIN: I'll object to
 4 the form of the question. The testimony
 5 speaks for itself, but you can add
 6 anybody else if you understand the
 7 question.
 8 A. The one person who I forgot was
 9 Kaity Tong.
 10 Q. Who is still at WPIX, right, to
 11 your knowledge?
 12 A. Yes, demoted.
 13 Q. And do you claim Karen demoted
 14 her?
 15 A. I'm Karen.
 16 Q. Pardon me. Do you claim that
 17 Betty Ellen demoted her?
 18 A. Yes.
 19 Q. While you were employed there?
 20 A. It was right -- it was the issue
 21 with Kaity Tong came up, several, maybe only
 22 a week or two, right before I was let go, so.
 23 Q. Okay. Well, let me just be clear.
 24 Do you claim that Kaity was demoted before
 25 your employment was terminated?

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1 Scott 245
 2 was a horrible thing, it was -- really was a
 3 horrible thing, and then I found out, I don't
 4 know if it was under Betty Ellen's watch or I
 5 don't know when she was let go, but -- but
 6 they demoted, they demoted Kaity to a night
 7 reporter, and all she does is sit in a bar or
 8 restaurant and talk about something, and it's
 9 embarrassing as hell. I don't know if it was
 10 under Betty Ellen's watch or under the news
 11 director that replaced me, but it was a
 12 horrible situation.
 13 Q. Do you claim that Betty Ellen told
 14 you that she wanted to get rid of Kaity?
 15 A. Yes.
 16 Q. Those were her words?
 17 A. She said she wanted to get rid of
 18 Kaity. She said that, like, she was phoning
 19 it in, that, you know, she was too old for
 20 anchoring all the time, things like that.
 21 Now, Kaity -- Kaity was 60 years old at the
 22 time this happened. She looked like she was
 23 25, but she's 60 years old.
 24 Q. Do you claim that Betty Ellen ever
 25 made any comment about Kaity's age?

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1 Scott 247
 2 Q. So you claim that said that she
 3 was too, quote, too old at some point in the
 4 summer of 2009?
 5 A. Yes.
 6 Q. Okay. Was anyone else present
 7 when that happened?
 8 A. No.
 9 Q. Did you ever report that to anyone
 10 at HR or Tribune senior management?
 11 A. To well -- well, I talked with
 12 Myrna and with Jean Maye.
 13 Q. But did you tell Myrna or Jean
 14 Maye that -- your claim that Betty Ellen said
 15 Kaity was too old?
 16 A. I -- I don't remember, I really
 17 don't remember, but I may -- when it came
 18 down to the conversations, because at the
 19 time, it just happened, everything was
 20 together, quickly. I talked to both of them.
 21 Q. Okay. But you don't know whether
 22 or not you said to them that what you claim
 23 is that Betty Ellen said she was too old?
 24 A. Yes.
 25 Q. What is it that you claim you did

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1 Scott 249
 2 Q. But you have no personal knowledge
 3 sitting here today whether or not Betty Ellen
 4 ever made any decision with respect to Kaity,
 5 do you?
 6 A. She's with the one that told me to
 7 do it. I mean, she's the one --
 8 Q. But I asked you personal knowledge
 9 of whether she made the decision. I'm not
 10 asking you what was communicated, because
 11 you've testified to it. I'm asking you
 12 whether you have personal knowledge that she
 13 made the decision. If you tell me that you
 14 assumed she made the decision because she
 15 communicated to it, okay, but I'm asking you
 16 if you have knowledge that she actually made
 17 the decision.
 18 A. I assumed.
 19 Q. Okay. Barry Cunningham was a
 20 reporter, right?
 21 A. Yes.
 22 Q. Isn't it true that you made the
 23 decision to fire him?
 24 A. No.
 25 Q. You didn't -- were you involved in

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1 Scott 250
2 the decision to fire Barry Cunningham?
3 A. Betty Ellen, from the time she
4 came on board, she didn't like Barry
5 Cunningham, she said that --
6 Q. I'm asking you about the
7 termination.
8 A. Yes.
9 Q. And I said to you isn't it true
10 you were involved in the decision to
11 terminate Barry Cunningham?
12 A. Betty Ellen told me she didn't
13 want to renew his contract. I, as a news
14 director, wanted to tell the reporter that
15 you're not going to be renewed.
16 Q. And did you agree with that
17 decision?
18 A. No, I did not.
19 Q. Isn't it true that Barry
20 Cunningham, shortly after 9/11, if not the
21 next day or a few days thereafter, on-air
22 made remarks that were critical of President
23 Bush?
24 A. I vaguely remember that.
25 Q. And isn't it true that viewers

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1 Scott 251
2 complained about it?
3 A. A couple.
4 Q. And you were appalled about the
5 comments that he made about President Bush
6 on-air, correct?
7 A. I don't remember -- I actually
8 don't remember exactly what he said at that
9 time.
10 Q. But do you remember generally that
11 there was an issue about him making comments
12 that were -- put WPIX in a very bad light
13 with the public with respect to President
14 Bush and 9/11?
15 A. At -- around 9/11, and that was
16 right around 9/11, it was like --
17 Q. Like, three days later, right?
18 A. Like two days, three days, people
19 were working all night long, 24/7.
20 MR. RUBINSTEIN: Karen, just
21 listen to the question.
22 Q. Isn't it true that you were
23 appalled by the comments he made about
24 President Bush with respect to 9/11?
25 A. I -- I brought him in my office,

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212-213-5858

1 Scott 252
2 and I did say that was out of line. He said,
3 I'm sorry, I didn't mean it that way, and
4 then we moved on.
5 Q. Okay. And isn't it true that you
6 -- you had issued him a final warning a few
7 years earlier because he brought a stripper
8 into the studio and interviewed her naked?
9 A. We had to do a warning on that.
10 Q. And you issued the warning,
11 correct?
12 A. We had to do that. Human
13 resources wanted me to do that.
14 Q. And you agreed with that, right?
15 A. That wasn't under Betty Ellen,
16 that was under Michael Eigner.
17 Q. But you agreed to do it, correct?
18 A. Well, you had to do that.
19 Q. All right. As you sit here today,
20 are you testifying under oath that you had no
21 recommendation to not renew Barry
22 Cunningham's contract?
23 A. I --
24 MR. RUBINSTEIN: Object to the
25 form of the question, but you can

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212-213-5858

1 Scott 253
2 answer.
3 A. Okay. I have to say that I knew
4 -- Barry Cunningham was probably one of the
5 best reporters and writers as a reporter on
6 the staff. He -- he was very well known to a
7 lot of the contacts in the City, and he was
8 an excellent reporter, and.
9 Q. Who showed poor judgment at times,
10 right?
11 A. Not very often, but those two
12 times, yes, and we -- and I wanted to keep
13 him for those reasons.
14 Q. At the time, did you ever claim or
15 tell anybody, Betty Ellen or WPIX, HR or
16 Tribune senior management or Tribune HR --
17 A. Oh, yes.
18 Q. -- that you believed Barry
19 Cunningham was discriminated against because
20 of his age?
21 A. Oh, I'm sorry. I'm sorry, I over
22 spoke, say that again.
23 Q. Right. At any time, did you ever
24 tell anybody, either in HR at Tribune or WPIX
25 or Tribune senior management that you

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1 Scott 254
2 believed that the decision not to renew Barry
3 Cunningham's contract was because of his age?
4 A. Well, say -- I'm sorry, can you
5 repeat that?
6 Q. Did you ever tell anybody at
7 Tribune management, HR or WPIX HR or Betty
8 Ellen that you believed that the decision not
9 to renew Barry's contract was because of his
10 age?
11 A. Well, I didn't want him -- I did
12 not want him to be let go.
13 Q. Answer the question.
14 A. Betty Ellen -- Betty Ellen -- I
15 told Betty Ellen that I wanted him to stay
16 because I thought he was an excellent
17 reporter, but she, this is once again, she
18 had Barry in her cross hairs, I mean, she --
19 since she walked in. I remember her saying
20 to me, I guess maybe she saw him in the
21 hallways or something, she said, he's too
22 old, and she said, I saw him, and he has a
23 crumpled jacket, and she said that he just
24 doesn't look good on-air, he's too old, and
25 once -- once Betty Ellen got an idea in her

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1 Scott 255
2 head, she wanted go forward with it, she was
3 the general manager.
4 Q. No, my question was, did you ever
5 tell anybody at Tribune management, HR, WPIX
6 HR or even Betty Ellen herself, that you
7 believed the decision not to renew Barry's
8 contract was because of his age?
9 A. At the time, no. At the time, no.
10 Q. It was only once you filed your
11 own charge with the EEOC that you first made
12 that allegation, correct?
13 A. No.
14 Q. Did you tell anybody else before
15 then?
16 A. Back then --
17 Q. It's either yes or no, Ms. Scott.
18 A. Well, I don't understand the
19 question.
20 Q. Did you ever tell anybody before
21 at any point before you filed your EEOC
22 charge, that you believed that Barry
23 Cunningham's contract was not renewed because
24 of his age?
25 A. Well, it was obvious that it was,

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1 Scott 257
2 that you never specifically or affirmatively
3 told anybody that you believed Barry had been
4 discriminated against because of his age?
5 A. I warned her Betty Ellen, that's
6 what I did.
7 Q. You warned her by saying, he's 58?
8 A. Yes.
9 Q. When was that?
10 A. While we were going through it.
11 Before, when she said we have to -- we're
12 letting -- we're letting him go.
13 Q. Okay. And that was in 2002,
14 right?
15 A. Yes.
16 Q. Marvin Scott, in what way do you
17 claim that he was discriminated against by
18 Betty Ellen?
19 A. Well, that was -- he was taken
20 off, Marvin Scott was a, was one of our
21 reporters, he also did a political talk show
22 that he taped, and it ran over the weekend,
23 he was also one you have our hardworking
24 reporters, and he had been there for many
25 years, and Betty Ellen did not want him

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1 Scott 258
2 anchoring, she did not want him anchoring the
3 morning news, she wanted -- excuse me, I'm
4 sorry. She didn't want -- she didn't want
5 him anchoring the weekend news, she didn't
6 want to have him fill-in for the News at Ten.
7 She said that I don't want to -- she made a
8 -- she didn't want him to fill in at all, at
9 any time. She didn't think that -- she said
10 he was too old, she would say to me, isn't he
11 ready to retire yet, why hasn't he retired
12 yet, and I said, well, I don't know, and
13 meanwhile, he kept on going and going, and he
14 did trips to Iraq and Afghanistan, he had
15 more energy than some of the young kids, and
16 Marvin Scott, to this day now, is -- has been
17 demoted, now he is -- he works on the
18 weekends.
19 Q. When you say he was demoted, was
20 he ever quote demoted while you were employed
21 at WPIX?
22 A. Yes, he was demoted from -- he was
23 demoted from anchoring, he would not -- he
24 would not -- we took him off the weekend
25 anchoring, and then he -- he was never, he

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1 Scott 260

2 Q. When is that that you claim that

3 she last said why doesn't he just retire, or

4 something like that, whatever you testified

5 to?

6 A. It was rather recently, when we

7 were all -- when we were looking, at one

8 point, looking at all the contracts and who

9 was up and who wasn't, and she made that

10 statement. I can't pinpoint that to you. I

11 would guess it -- probably in 2009, but I'm

12 not sure, it could be 2008.

13 Q. Was anybody else present when you

14 claim she said this?

15 A. No.

16 Q. Was anybody present she when you

17 claim she made comments about Barry

18 Cunningham's age?

19 A. No.

20 Q. All right. Sal Marciano, his

21 contract was not renewed in what, late 2008?

22 A. Yes, yes. 2008, December 31st was

23 Sal Marciano.

24 Q. Okay. Were you involved in making

25 that decision?

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1 Scott 261

2 A. No, Betty Ellen wanted him gone.

3 She always did, just like Barry Cunningham,

4 she always did. She didn't like him, she

5 thought that he was phoning in, that he was

6 too old, that he didn't -- that he didn't

7 look good on the air, and he definitely --

8 she wanted him gone.

9 She told me several times, I mean,

10 through the years to the point that I tried

11 to tell her otherwise, but the bottom line is

12 that she's the general manager.

13 Q. Okay. Do you claim that she's

14 used the words, quote too old with respect to

15 Sal?

16 A. Well, yeah, because she said that

17 -- I mean, he looks like he's phoning in, he

18 doesn't react well on the set, and he seems

19 to be too old.

20 Q. You claim that she used words "too

21 old"?

22 A. Yes.

23 Q. When do you claim she said that?

24 A. That was when we were talking

25 about renewing him or not, and she said that

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1 Scott 262

2 that was the last contract. That was the one

3 that expired on December 31, 2008.

4 Q. So would this have been in 2006

5 then, that you claim she said this?

6 A. His last contract, whatever the

7 contract was, his last contract.

8 Q. The one that expired?

9 A. The one that expired. I mean, it

10 expired on December 31st, it was '08, I'm

11 pretty sure.

12 Q. Isn't it true that you had some

13 criticism of Sal's on-air performance?

14 A. No.

15 Q. Never?

16 A. I like Sal. I thought -- I mean,

17 Sal and sports, to me, the reason I brought

18 him over from WNBC was because he was a

19 superstar in the supports world, the teams

20 loved him, the players loved him, he got

21 nuggets of information that no one else got.

22 He was buddies -- best buddies with

23 Steinbrenner, he got a lot of -- when

24 Steinbrenner used to break some news about

25 the Yankees, we used to get it first because

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1 Scott 264

2 identification, as of this date.)

3 Q. I'm showing you what's been marked

4 as Exhibit 27, which is a copy of the charge

5 of discrimination that was filed on your

6 behalf with the US EEOC on January 14, 2010.

7 Just take a look at it and tell me

8 if that is in fact the EEOC charge you filed.

9 MR. RUBINSTEIN: Assuming there

10 were photocopies made, and I'll

11 stipulate.

12 Q. If you look at page seven,

13 paragraph 21?

14 A. Six, seven.

15 Q. All right. If you look at small

16 Roman numeral three, it says, "In 2008, WPIX

17 decided not to retain Sal Marciano, beloved

18 sports anchor in New York in his 60s after

19 Ms. Berlamino remarked to Ms. Scott that he

20 doesn't look good on the air, end quote.

21 A. Okay.

22 Q. Right.

23 A. Okay.

24 Q. Nowhere there do you see that he

25 looked too old, right?

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1 Scott 265

2 A. Well, that's what she said to me.

3 Q. Nowhere in your EEOC charge did

4 you ever put that she said he was quote too

5 old?

6 A. I don't remember.

7 Q. Well, it's not here, right?

8 MR. RUBINSTEIN: Is that a

9 question?

10 Q. It's not here, the words "too old"

11 are not here, correct?

12 A. Well, is this --

13 MR. RUBINSTEIN: I'll stipulate

14 that it says it's not there.

15 Q. All it says is that she said to

16 you "he doesn't look good on the air"?

17 MR. RUBINSTEIN: That's what it

18 says.

19 A. Yeah, I guess it says that here,

20 but she told me that -- she always said old

21 when she didn't like anyone.

22 Q. Do you know why it doesn't say in

23 this EEOC charge what you're alleging, that

24 he looked too old?

25 MR. RUBINSTEIN: Objection to the

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1 Scott 266

2 form.

3 Q. Do you know why?

4 A. No.

5 MR. CERASIA: 28, please.

6 (Complaint was marked as Scott

7 Exhibit 28, for identification, as of

8 this date.)

9 Q. I'm going to show you what's

10 marked as Exhibit 28.

11 MR. CERASIA: Can you give me back

12 the copy of the EEOC charge, please.

13 Thanks.

14 A. Do I look at this or do I look at

15 that?

16 MR. RUBINSTEIN: He'll tell you

17 where to look.

18 Q. Just look at 28, look at the

19 complaint, and let me ask you this, did you

20 review this complaint before it was filed

21 with the court?

22 A. Is this -- hold on one second.

23 Q. Go ahead, take a look through it.

24 MR. RUBINSTEIN: I'll stipulate

25 that that's the complaint, I trust Ed.

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1 Scott 267

2 A. Okay.

3 Q. Did you review this before it was

4 filed with the court, to your knowledge?

5 A. Yes.

6 Q. Could you look to page nine to

7 page ten paragraph 41?

8 A. Okay, I'm on page 9, what now?

9 Q. Paragraph 40, and I'm specifically

10 focusing on small Roman numeral three, it's

11 on the top of page ten.

12 A. Okay.

13 Q. And it's the exact same small

14 Roman numeral three that appears in your EEOC

15 charge, that you have over, which is Exhibit

16 27, with the exception of adding five words

17 after the quotes, doesn't look good on the

18 air, adds the following five words, "due to

19 his advanced age." Do you see that?

20 A. Yes.

21 Q. Again, you don't say here the

22 words put in quotes that he said he was quote

23 too old, do you?

24 A. I don't remember.

25 Q. Well, it doesn't say it, right?

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1 Scott 270

2 that he was well-known in the sports world

3 and the audiences, they loved him.

4 Q. Do you remember in the summer of

5 2008 where he did a special show at Shea

6 Stadium dealing with the Subway Series when

7 the Yankees and the Mets played in the summer

8 of 2008?

9 A. Yes.

10 Q. Do you remember problems with that

11 show?

12 A. There was a lot of technical

13 problems with that show. I don't remember

14 what caused them or what it was.

15 Q. Do you remember him being

16 unprepared for the show?

17 A. I don't, I don't remember, it was

18 -- I know we had a lot of technical

19 difficulties and they weren't looking at the

20 right cameras or something. I don't really

21 -- I honestly don't remember.

22 Q. Do you remember whether was a

23 problem with Sal's performance during that

24 show?

25 A. I think with everyone's

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1 Scott 272
2 marked as Scott Exhibit 29, which is a
3 two-page letter from the EEOC to you dated
4 January 7, 2001. The third page is a
5 dismissal and notice of rights, also dated
6 January 7, 2011, and then just a general
7 notice.
8 Tell me if you've seen that
9 before.
10 A. Yes, I have.
11 Q. And you received that at your home
12 from the EEOC?
13 A. Yes.
14 Q. Relating to the charge that you
15 filed which was Exhibit Number 27, right?
16 A. Yes.
17 Q. And you understood that the EEOC
18 dismissed your charge?
19 A. Well, I understand that -- that
20 they didn't do any investigation, it was,
21 like --
22 Q. I understand you might not agree
23 with it, but I'm just asking, you understood
24 that the EEOC dismissed your charge, right?
25 A. Yes.

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1 Scott 273
2 Q. Do you know whether or not you
3 ever sent any letter to the EEOC complaining
4 about that decision to dismiss your charge?
5 A. I don't -- I don't recall. I
6 don't know, I don't recall.
7 Q. You also testified that you
8 believed that there was some discrimination
9 against Mary Murphy?
10 A. Yes.
11 Q. And what do you claim that was?
12 A. Mary Murphy -- Mary Murphy, I
13 brought her over from WCBS, she was an
14 excellent reporter, a really hardworking
15 reporter, and I thought she was a very good
16 anchor. She -- while I was there, she was
17 the anchor on the weekend news, fill-in for
18 Kaity Tong, when she was out, and three days
19 a week, a reporter, and she also did fact
20 findings, she was an investigative reporter,
21 and I'm sorry, now, what was the question?
22 Q. What was the discrimination that
23 you claimed against Mary Murphy?
24 A. Oh, Betty Ellen -- Betty Ellen did
25 not like Mary Murphy anchoring, she thought

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1 Scott 274
2 that she looked old, she thought that she
3 didn't like her clothes, she would call me
4 up, usually on Mondays if she saw the weekend
5 news and said that Mary Murphy, you know, she
6 didn't want -- she didn't want her anchoring
7 so she was demoted to -- she was taken off
8 the anchor desk, and she was demoted to five
9 days a week reporter.
10 Q. What year was she hired, do you
11 know?
12 A. She was hired, about the -- she
13 was hired in, excuse me, 2000 -- no 1993,
14 1993, she was hired in 1993.
15 Q. And when did she can become an
16 anchor?
17 A. Right away.
18 Q. So from '93 to some time in 2000,
19 she was a weekend anchor?
20 A. Yes, and then reporter the other
21 time.
22 Q. You claim in your EEOC charge in
23 paragraph 21 that in 2009 she was, it says
24 she replaced news reporter Mary Murphy as the
25 weekend news anchor with someone 15 years her

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1 Scott 275
2 junior. I guess I'm just a little confused
3 because you call her a news reporter and then
4 you call her a weekend news anchor?
5 A. She's -- well, she traditionally,
6 she does the Saturday and Sunday, and there's
7 a weekend anchor, and then three days a
8 week --
9 Q. And three days as a --
10 A. -- she was either a general
11 assignment reporter, but then when we put
12 together a fact finder, Mary was a reporter
13 on that for three days a week.
14 Q. So what do you -- in 2009, you
15 said she became what, just a regular reporter
16 during the five days during the week?
17 A. Yes.
18 Q. Did her salary get cut?
19 A. I don't remember. I don't
20 remember.
21 Q. I assume between 2000 and 2009,
22 that Mary's contract had been renewed at
23 least three times during that time period?
24 A. We renewed her contract, but.
25 Q. With approval from Betty Ellen.

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1 Scott 276

2 A. With approval from Betty Ellen,

3 and Betty Ellen did not want her anchoring.

4 Q. Every time she renewed the

5 contract, is that what you're maintaining,

6 that every time she renewed the contract, she

7 didn't want her anchoring?

8 A. No. Well, she was anchoring, but

9 she always kept telling me that she didn't

10 want her anchoring.

11 Q. So that was from 2000 she would

12 say that?

13 A. A little later than that, I guess,

14 I don't want to guess, I don't remember, you

15 know, but it was -- it happened.

16 Q. Did she tell you at that point

17 early on why she didn't want her to be the

18 anchor?

19 A. After about a year or so, she

20 didn't want her to be the anchor there. She

21 wanted her to do reporting, but she didn't

22 want her anchoring. She said that she didn't

23 look right anchoring, that she had frumpy

24 clothes and that she was too old.

25 Q. She said that in the early 2000s,

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1 Scott 277

2 that she said you claim she thought said she

3 was too old?

4 A. Yeah. Well, in -- I can't -- I

5 can't tell you that the exact date, but she,

6 just like the others, she just -- she always,

7 whenever she saw Mary, she just didn't like

8 her anchoring.

9 Q. Mr. G, do you know how old he is?

10 A. Mr. G is, oh, I don't want to

11 guess, probably in his 60s, I'm not -- I

12 don't have information.

13 Q. And was his contract renewed in

14 the last few years that you were the news

15 director?

16 A. Yes.

17 Q. And that renewal decision had to

18 be approved by Betty Ellen, correct?

19 A. Yes, yes.

20 Q. You also, in the EEOC charge,

21 identify a woman by the name of Vanessa

22 Tyler?

23 A. Vanessa Tyler.

24 Q. Who was the reporter in New

25 Jersey, correct?

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212-213-5858

1 Scott 278

2 A. Yes.

3 Q. Isn't it true that her contract

4 wasn't renewed because the New Jersey bureau

5 was shut down?

6 A. The -- the New Jersey bureau was

7 shut down, and -- and Vanessa Tyler, she

8 could have come over and worked because we

9 could use the reporters, but we didn't renew

10 her contract.

11 Q. Did you hire anybody in New York

12 at the time that you didn't renew her

13 contract?

14 A. I don't remember, I don't

15 remember.

16 Q. And you claim that not renewing

17 her contract was because of her age?

18 A. Well, she always -- Betty Ellen,

19 that one too, she didn't like -- she did not

20 like the way she dressed, she thought that

21 she was -- she didn't, she didn't dress

22 appropriately for a reporter, and that she

23 was also -- she should be doing something

24 else. She said that she was -- she said that

25 she was old.

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1 Scott 280

2 Q. So you don't know the reasons for

3 not renewing her contract?

4 A. Yes, I do, I mean, because we

5 talked about it and she didn't want to -- she

6 didn't want to renew her.

7 Q. Did you communicate to Vanessa

8 that her contract would not be renewed?

9 A. Yes, I did. Because like I told

10 you before --

11 Q. There's notice provisions.

12 A. There's always a 60 days or 90

13 days, and I was still there in that period.

14 Q. Did Betty Ellen make a decision to

15 give Marvin Scott his own weekly news show?

16 A. His own weekly news show.

17 Q. The political show, right?

18 A. That's, that was -- no, that was

19 -- when I came in 1993, he was doing the

20 political talk show. He had been doing it

21 for years, he was a stale there.

22 Q. Right. But she had to approve it

23 to continue, correct?

24 A. Oh, I'm sure, yeah, I guess. This

25 was a while. When I was there, it was

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1 Scott 281
 2 happening, and we kept it going, and she came
 3 in again -- when she came in 2000, we were
 4 already up and running, she never cancelled
 5 it.
 6 Q. And he was the only reporter who
 7 had such a show, right?
 8 A. I'm thinking through the years, as
 9 far as I can remember, yes.
 10 Q. Did you ever tell anybody in human
 11 resources at WPIX or Tribune or Tribune
 12 senior management about what you claimed to
 13 be Betty Ellen's comments with respect to
 14 Mary Murphy or Vanessa Tyler?
 15 A. No.
 16 Q. Why not?
 17 A. Again, Betty Ellen was my boss,
 18 and she -- she had rank over me. I didn't --
 19 MR. CERASIA: Why don't we take a
 20 break.
 21 THE VIDEOGRAPHER: Stand by,
 22 please. The time is 5:14. We are going
 23 off the record.
 24 (Pause.)
 25 THE VIDEOGRAPHER: The time is

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 212-213-5858

1 Scott 284
 2 letting me know things were coming in the
 3 trades so, you know, but honestly, I don't --
 4 I don't want to say -- I don't remember, I
 5 don't remember.
 6 Q. You don't remember if there was
 7 any agreement with Sal to call his departure
 8 a retirement?
 9 A. All I know is that we -- Betty
 10 Ellen didn't want to renew his contract. I
 11 told him that we're not renewing the
 12 contract, and that was it, that was it.
 13 Q. And as you sit here today, you
 14 don't remember one way or the other whether
 15 you had a discussion with him about how you
 16 characterized his departure?
 17 A. I'm sorry, I'm sorry, I don't
 18 remember.
 19 Q. Okay.
 20 MR. CERASIA: Mark this as 30.
 21 (August 31, 2009 E-mail was marked
 22 as Scott Exhibit 30, for identification,
 23 as of this date.)
 24 Q. I'm showing you what's been marked
 25 as Exhibit 30, which is an August 31, 2009

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1 Scott 285
 2 e-mail from Betty Ellen to you, the subject
 3 is "how is this." Why don't you take a
 4 minute and look at it.
 5 A. I'm sorry, thank you.
 6 Q. I'm sorry.
 7 A. That's okay.
 8 Q. I thought I gave it to you, it's
 9 getting late.
 10 A. Yes, I remember this.
 11 Q. You remember receiving this?
 12 A. Yes.
 13 Q. Do you also remember having a
 14 phone conversation with Betty Ellen about
 15 this?
 16 A. Well, I had two conversations with
 17 her about this. Betty Ellen on -- on the day
 18 of -- on the day I was leaving -- let me
 19 rephrase that.
 20 Betty Ellen came down to my office
 21 early in the morning, it was after they gave
 22 me a going away party, the reporters and she
 23 sat, she came right down -- excuse me,
 24 here's, okay, I'm sorry, excuse me, let me
 25 just start right again. I'm going to start

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1 Scott 286
 2 again. I'm just trying to figure out when
 3 she came down. She came down to my office,
 4 it was the -- the day after my going away
 5 party and she came around early in the
 6 morning, about 9 o'clock, and she said that
 7 -- she said that was going to put an
 8 announcement out in the paper, and I said
 9 okay, and she said that I'm going to say that
 10 you resigned, and I said, I didn't resign,
 11 Betty Ellen, you fired me, I would never
 12 resign, I would never leave all the people
 13 that I brought over here, I mean, I wouldn't
 14 do that, and they know that, and she said,
 15 I'm sorry, I have to say that you going to
 16 resign, and I tried my best to say please,
 17 don't say I resigned, please don't. She
 18 said, well, it would be better for you if I
 19 did, and I don't know what that meant, and I
 20 said please, don't do it, and so she didn't
 21 answer me, so, and then she went upstairs and
 22 she typed up the memo, and she -- she sent me
 23 an e-mail, if I recall, and said look at
 24 that, this is what I'm sending out, and
 25 again, I said to her, please, Betty Ellen,

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1 Scott 287
 2 don't say I resigned, I didn't resign, I
 3 would never resign anywhere, I never ever
 4 resigned anywhere, and she said -- and she
 5 sent it out, and she sent it out, and it said
 6 resigned.
 7 Q. She sent it out where, to the
 8 press?
 9 A. To the press. I don't -- it went
 10 to the press. I assumed that Jessica, after
 11 she wrote it, maybe as a PR person, I don't
 12 know how they handled it up there, but
 13 between Betty Ellen and whoever else put it's
 14 out to press, it came out resigned.
 15 Q. Let me ask you this. After you
 16 were notified by Betty Ellen and Myrna that
 17 your employment was being terminated, did you
 18 tell anybody on your staff?
 19 A. No, I didn't tell anyone on my
 20 staff because I remember it was the 26th, and
 21 that night I was going away, on my rare
 22 vacations, I was going up to Martha's
 23 Vineyard, and I didn't want to -- I didn't
 24 want to say anything and be gone three or
 25 four days, you know, I didn't want it to be

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1 Scott 288
 2 hanging like that, so I didn't say a word to
 3 anyone, and I went up to Martha's Vineyard,
 4 and -- and I -- someone -- someone said
 5 something to someone, and it got out, and I
 6 got very upset, and I called Myrna, and I
 7 said, I was sitting in Martha's Vineyard and
 8 all of a sudden my little private getaway,
 9 all of a sudden, I mean, this little hotel,
 10 there were phones ringing off the hook all
 11 day long, all my staff was calling me,
 12 crying, da-da-da and all this stuff, and, you
 13 know, it was -- it was very upsetting --
 14 Q. Do you know --
 15 A. -- and so when I came back, then I
 16 -- then I, you know, I -- the people that
 17 called me, I couldn't deny it now because
 18 there was -- someone told them, and I -- I
 19 don't to this day, know where it came from,
 20 but it was someone wasn't supposed to say
 21 anything, that was my deal with Myrna and
 22 Betty Ellen, was don't say anything, I'm
 23 going away, I'll come back, I'll deal with
 24 the staff then.
 25 Q. Okay. Was August 31st, Monday,

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1 Scott 292
 2 Q. So it was sent an hour and 41
 3 minutes after she sent you, you can keep it
 4 in front of you, after she sent you Exhibit
 5 30, right?
 6 A. 2:32, and this is 12:21, I called
 7 her up after I saw this.
 8 Q. Just answer my question first.
 9 A. Yeah.
 10 Q. So about an hour and 41 minutes
 11 after she sent you the draft saying quote,
 12 how is this?
 13 A. Yeah.
 14 Q. She then sent out the, I'll call
 15 the broadcast to the WPIX employees, right?
 16 A. Right. I called her. I didn't --
 17 when she first did this, I didn't write an
 18 e-mail, I called her up, I said Betty Ellen,
 19 I thought we talked about it, you know I
 20 didn't want the resigning in there, and she
 21 said I'm sorry, I had to do it this way, that
 22 was it.
 23 Q. Did you want her to say in there
 24 at that you were terminated?
 25 A. Yes.

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1 Scott 293
 2 Q. Did you specifically say to her --
 3 do you claim that you specifically said to
 4 her I want this notice to say that I was
 5 fired?
 6 A. Whatever she wanted to say, but I
 7 didn't want the word "resigned," because to
 8 me, to me, it was, like, a badge of courage.
 9 I wouldn't resign anywhere. I'm hardworking
 10 dedicated and loyal to where I am, and
 11 everyone knew, everyone was coming --
 12 Q. When you received Exhibit 31 from
 13 Betty Ellen, did you ever call Myrna or
 14 anybody in Tribune management to say that I
 15 don't want this characterized as a resignation?
 16 A. No.
 17 Q. Why not?
 18 A. Because Betty Ellen was my general
 19 manager, and I respected her, and I'm not
 20 going to -- I'm not going to -- I didn't
 21 think it was necessary to call them. My god,
 22 I was walking -- I'd been fired, why should I
 23 call them, you know, the worst happened, what
 24 else can I do.
 25 MR. CERASIA: Mark this as 32,

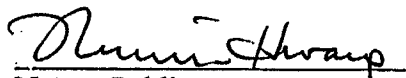
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Errata Sheet: Scott v. WPIX, Inc.
January 26, 2011 Deposition of Karen Scott

| <u>Page/Line</u> | <u>Correction</u> | <u>Reason</u> |
|--|---|---------------------|
| Page 9/Line 15 | Replace "No" with "Yes, my domestic partner, Michael Callaghan" | Clarification |
| Page 23/Line 15 | Replace answer with "I was one of the people involved with trying to increase ratings." | Clarification |
| Page 26/Lines 15-20 | Replace answer with "We got an EP for the News at Ten when I promoted John Houseman to the executive producer slot." | Clarification |
| Page 33/Line 24 | Replace "Yeah" with "No" | Clarification |
| Page 42/Lines 17-22 | Replace "18 - 25" with "25-54" | Clarification |
| Page 105/Lines 22-25; Page 106, Line 1 | Replace answer with "One of the bigger problems that we had was that we hardly received any promotion for our shows." | Clarification |
| Page 213/Line 24 | Replace "coo" with "coup" | Typographical Error |
| Page 271/Line 20 | Replace "No" with "Yes, but not regarding this lawsuit." | Clarification |


 Karen Scott

Sworn to before me this
24th day of February, 2011


 Notary Public

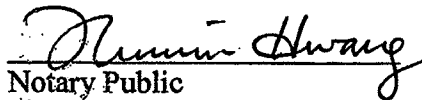
VIVIAN HWANG
 Notary Public, State of New York
 No. 01HW5067230
 Qualified in Westchester County
 Certificate Filed in New York County
 Commission Expires Oct. 15, 2014

Supplemental Errata Sheet: Scott v. WPIX, Inc.
January 26, 2011 Deposition of Karen Scott

| <u>Page/Line</u> | <u>Correction</u> | <u>Reason</u> |
|------------------|--|---------------|
| Page 20/Line 18 | Replace "Yes" with "No. It was my responsibility to put together the best possible news programming that I could. I did not have control over sales or other factors that went into the station's ability to generate profit." | Clarification |


Karen Scott

Sworn to before me this
16th day of March, 2011


Notary Public

VIVIAN HWANG
Notary Public, State of New York
No. 01HW5067230
Qualified in Westchester County
Certificate Filed in New York County
Commission Expires Oct. 15, 2014